

# EXHIBIT F

Transcribed Trial Testimony of James  
Tertin that was video recorded and  
played for the Jury

# JamesTertin-editedfortrial

## Designation List Report



Tertin, James

2025-07-09

Our Designations

02:41:19

**TOTAL RUN TIME**

**02:41:19**

## JamesTertin-editedfortrial

DESIGNATION	SOURCE	DURATION	ID
8:20 - 8:23	<b>Tertin, James 2025-07-09</b>  8:20       .....JAMES TERTIN, was called as a 8:21       witness, and after having been duly sworn remotely, 8:22       according to the law, was examined and testified as 8:23       follows:	00:00:07	<b>JamesTertin-edit edfortrial.1</b>
9:03 - 25:22	<b>Tertin, James 2025-07-09</b>  9:03   Q. Good morning, Mr. Tertin. Could you 9:04       please tell the jury who you are and what you do? 9:05   A. Yes. My name is Jim Tertin and I've 9:06       been a professional gunsmith since 1972. So since 9:07       that time -- 9:08   Q. Let me stop you for a second. What is 9:09       a professional gunsmith? 9:10   A. A professional gunsmith is not a parts 9:11       replacer. A professional gunsmith takes in a broken 9:12       or malfunctioning firearm, takes it apart, analyzes 9:13       what does not work, and determines the correct path 9:14       in order to repair or fix it. Sometimes that means 9:15       making a part which there is no blueprints for. So 9:16       it had to be designed on paper and manufactured 9:17       using machines, tools, lays, mills, torches, 9:18       welding, et cetera. Heat treating and fitting that 9:19       part or spring back into that firearm to put it in a 9:20       functional and safe condition. 9:21       So it's multifaceted. You need to be 9:22       a machinist, you need to have an engineering 9:23       background, and you need to have metallurgical 9:24       background for heat treat. In some cases, you need 9:25       to be an excellent wood worker if a panel of a stock 10:01       is broken as well as finishing it. So it's a 10:02       multifaceted and multitalented field. 10:03   Q. So you've been a gunsmith for 53 10:04       years. Take me back 53 years ago. How did you get 10:05       into gunsmithing? 10:06   A. I wanted to be a gunsmith since sixth 10:07       grade. So in high school, I sent letters to six 10:08       different firearms companies asking them what's 10:09       required to work in their factory -- at that time, I 10:10       didn't know that factory workers weren't gunsmiths 10:11       -- and what school they would recommend. Ray	00:21:57	<b>JamesTertin-edit edfortrial.2</b>

## JamesTertin-editedfortrial

DESIGNATION	SOURCE	DURATION	ID
	10:12 Weatherby was the only that responded and he		
	10:13 recommended Trinidad College in Trinidad, Colorado.		
10:14	Q. What type of program was that at		
10:15	Trinidad?		
10:16	A. Specifically, gunsmithing. A two-year		
10:17	program. In that program, we learned repair, we		
10:18	learned all of the things that I just outlined as		
10:19	far as heat treat, making a part, analyzing a part,		
10:20	installing barrels, chambering, metallurgy, and then		
10:21	we had other basic courses like geometry and math,		
10:22	and so forth.		
10:23	Q. Tell us about your experience in the		
10:24	gun industry after you graduated from Trinidad.		
10:25	A. My first job immediately out of school		
11:01	was Rusk Gunshop in Madison, which was a		
11:02	well-established gunsmithing and gun sale shop.		
11:03	Actually, it was founded in 1938 by Kenny Rusk. I		
11:04	was fortunate to get a job there.		
11:05	I worked there for seven years and		
11:06	learned a tremendous amount about firearms		
11:07	mechanisms and actions that had been manufactured in		
11:08	the last 100 years. And in that shop, we repaired		
11:09	anything that came in that was broken.		
11:10	Q. How long did you work at Rusk for?		
11:11	A. I worked there for seven years. I		
11:12	took a -- I took a short hiatus and worked for Anton		
11:13	Custom Stocks in Waterloo, Iowa.		
11:14	At that point, my career was young and		
11:15	I aspire to be a professional stock maker and I		
11:16	actually achieved that goal, but I also realized you		
11:17	couldn't make a living doing it. So I went back to		
11:18	Rusk Gunshop and continued.		
11:19	Q. After you worked at Rusk, where did		
11:20	you go next?		
11:21	A. I moved to Gander Mountain. That was		
11:22	a large, large catalog, outdoor catalogue company at		
11:23	that time selling direct market to the mail.		
11:24	They had a vision of opening a retail		
11:25	store. So to that end, they hired me to be the gun		
12:01	guy, set up the gun department in retail as well as		
12:02	the gunsmithing shop to support that gun department.		

DESIGNATION	SOURCE	DURATION	ID
	12:03 They hired a camping guy and a fishing guy and us		
	12:04 three together opened the first Gander Mountain		
	12:05 retail store in Wilmot, Wisconsin.		
	12:06 Q. How many stores did you ultimately		
	12:07 open?		
	12:08 A. Ultimately, they had over 100. During		
	12:09 my tenure at Gander, we opened 18. The growth was		
	12:10 phenomenal. They continued to open stores. What I		
	12:11 had to do for those 18 stores was hire, train, and		
	12:12 install a gunsmith in every one of them.		
	12:13 Q. After Gander Mountain, where did you		
	12:14 work next?		
	12:15 A. Gander Mountain, I left there and I		
	12:16 moved to Brainerd, Minnesota and worked for a		
	12:17 company called Acro Metal. Acro Metal had just		
	12:18 signed a tractor with Weatherby to build their then		
	12:19 new Mark V lightweight rifle, which was still in the		
	12:20 design phase.		
	12:21 So I worked with Dick Cressey, who was		
	12:22 Weatherby's lead engineer, to finish that design and		
	12:23 perfect that design on the Mark V rifle.		
	12:24 Simultaneously, we put it into production. For the		
	12:25 next ten years, Acro Metal built Mark V Weatherby		
	13:01 rifles here in Minnesota.		
	13:02 Q. After leaving Acro Metal, where did		
	13:03 you go?		
	13:04 A. After leaving Acro Metal, while I was		
	13:05 working at Acro Metal, I had this idea of a large		
	13:06 caliber five-shot hunting revolver and I actually		
	13:07 approached the Acro Metal management with that idea,		
	13:08 with the concept of finishing the design and		
	13:09 manufacturing it there.		
	13:10 They were not open to that. They were		
	13:11 busy with their other projects. They manufactured		
	13:12 numerous things other than the Weatherby Mark V		
	13:13 rifle. So we reached an amicable agreement and I		
	13:14 left. Finished the design on this five-shot large		
	13:15 caliber revolver, put it into production, and		
	13:16 started manufacturing them also here in Brainerd,		
	13:17 Minnesota.		
	13:18 I did that for five years, but my		

DESIGNATION	SOURCE	DURATION	ID
	13:19 expertise was in design and manufacturing. It was 13:20 not in marketing and sales. So I got a hold of 13:21 Magnum Research who did all the marketing and sales. 13:22 So, essentially, we sold these guns all over the 13:23 country and some were exported, but my only customer 13:24 was Magnum Research.		
	13:25 Q. Tell me what went into the design and 14:01 manufacturing of that product.		
	14:02 A. It was a fair amount of work. It's a 14:03 single action revolver with a transfer bar safety, 14:04 meaning when the hammer is in the full-cocked 14:05 position and the trigger is pulled, a transfer bar 14:06 slides up between the hammer and the firing pin 14:07 allowing the gun to fire. If the hammer's in the 14:08 full-cocked position and dropped or jarred and the 14:09 trigger's not pulled, the hammer would slip forward, 14:10 but it would be unable to hit the firing pin because 14:11 that transfer bar was not between the firing pin and 14:12 the hammer. So that was tricky to design. It 14:13 actuates off the trigger.		
	14:14 The other tricky part in the design 14:15 was the cylinder, which has five chambers in it and 14:16 rotates in a clockwise direction. It was very 14:17 tricky to get the timing right. So that as you cock 14:18 the hammer and the cylinder rotated, each chamber 14:19 came up on dead center where the barrel is.		
	14:20 Q. Is this a gun that you machined? You 14:21 made yourself initially?		
	14:22 A. Initially, I made one. After that, I 14:23 subcontracted the parts and perfected the drawings. 14:24 After that, I subcontracted the parts out to a C&C 14:25 machinist.		
	15:01 Q. So you ultimately teamed up with 15:02 Magnum Research for that?		
	15:03 A. Yes.		
	15:04 Q. How long were you then working with 15:05 Magnum Research?		
	15:06 A. I sold that gun to them for five 15:07 years. And after five years, two things happened: 15:08 One, at that point, the Desert Eagle pistol was made 15:09 in Israel and they were starting to float the idea		

DESIGNATION	SOURCE	DURATION	ID
15:10	of producing that pistol in the United States.		
15:11	So after five years, I sold them the		
15:12	BFR handgun, which it's called, the large five-shot		
15:13	hunting revolver. And, simultaneously, I designed a		
15:14	high tech 22 rifle, a semi-automatic with a graphite		
15:15	barrel that weighs under three pounds. It's		
15:16	extremely accurate and extremely light. I sold them		
15:17	those two product lines and went to work for them.		
15:18	At that point, the Desert Eagle or the		
15:19	BFR became theirs and the rifle became theirs and we		
15:20	continued to produce them in the same shop in the		
15:21	same location only at this point they were Magnum		
15:22	Research's property. Well, what happened is Magnum		
15:23	Research started to make a lot of money on those		
15:24	because my margin went away. They got it. Then		
15:25	they said, wow, we want the Desert Eagle here.		
16:01	Q. What's the Desert Eagle?		
16:02	A. The Desert Eagle is a large caliber		
16:03	semi-automatic pistol. It was originally designed		
16:04	in Israel and Magnum imported that for a number of		
16:05	years from two different companies there.		
16:06	Q. What was your involvement with the		
16:07	Desert Eagle at Magnum?		
16:08	A. Our involvement was to, number one,		
16:09	produce it in the United States and with that came		
16:10	several challenges. One, the only drawings we had		
16:11	were two-dimensional paper drawings in Hebrew and		
16:12	metric. So he had to reverse engineer those parts		
16:13	into inches and English and put them in a CAD		
16:14	program in a format called Solid Modeling. I hired		
16:15	an excellent firearms engineer, Dennis Gerber. He's		
16:16	now deceased, but I learned a lot from him and he		
16:17	was a good guy. We worked together and reverse		
16:18	engineered this Desert Eagle from, like I mentioned,		
16:19	two-dimensional paper prints and that took over		
16:20	three months. It was a big job.		
16:21	Then after that, we made some parts, I		
16:22	did manually, to prove the dimensions and prove that		
16:23	they worked. Our other challenge was this gun had		
16:24	already been produced for 15 years overseas. So we		
16:25	had close to half a million of them in the field.		

DESIGNATION	SOURCE	DURATION	ID
17:01	So our other big challenge was we		
17:02	could use modern C&C technology available in the		
17:03	United States that Israel did not have to make these		
17:04	parts, but we had to make these parts so that they		
17:05	retrofitted with all of the guns that we had in the		
17:06	field that were made in Israel so we could continue		
17:07	to service them properly.		
17:08	Q. Are you still working with Magnum?		
17:09	A. Yes. Now I work directly for them.		
17:10	Q. What is your title at Magnum?		
17:11	A. I'm the director of research and		
17:12	development and design. I'm part-time now. I'm		
17:13	semi-retired and I just invent new things and design		
17:14	new items.		
17:15	Q. Now you're not an engineer. Correct?		
17:16	A. That's correct.		
17:17	Q. Based -- I'm sorry, I didn't hear		
17:18	that.		
17:19	A. I train engineers.		
17:20	Q. You apply engineering principals when		
17:21	you're designing guns?		
17:22	A. Absolutely.		
17:23	Q. The fact that you don't have an		
17:24	engineering degree, has it ever been an impediment		
17:25	in your ability to design and analyze guns?		
18:01	A. No, not at all.		
18:02	Q. Do you have experience inspecting guns		
18:03	and measuring them for things like trigger pull		
18:04	weight and trigger travel distance?		
18:05	A. Yes. I've done that my entire career.		
18:06	All types of firearms.		
18:07	Q. Do you have experience analyzing the		
18:08	characteristics of a gun and assessing whether it's		
18:09	a good design or an unsafe design?		
18:10	A. Absolutely. During my years as a		
18:11	gunsmith, we worked on a lot of designs that we, as		
18:12	gunsmiths, love because they were so faulty. They		
18:13	broke all the time and we made a lot of money		
18:14	repairing them.		
18:15	So I'm very familiar with poor designs		
18:16	and good designs. Good designs, we didn't make any		

DESIGNATION	SOURCE	DURATION	ID
	18:17 money on.		
18:18	Q. Do you have experience analyzing		
18:19	various safety devices and safety components used on		
18:20	firearms?		
18:21	A. Yes, absolutely.		
18:22	Q. In connection with all of your		
18:23	experience, have you summarized that into what is		
18:24	commonly called a CV or a risumi?		
18:25	A. Yes.		
19:01	Q. Let me show you just for		
19:02	identification purposes what we've pre-marked		
19:03	Plaintiff's Exhibit 105 just for your screen.		
19:04	Is this a copy of your CV?		
19:05	A. Yes, I see it and it is.		
19:06	Q. Over your 53 years of gunsmithing,		
19:07	have you been awarded any patents?		
19:08	A. Yes. I've been awarded numerous		
19:09	patents for firearm designs, barrel designs,		
19:10	silencer or suppressor designs, and conversions from		
19:11	one caliber to another.		
19:12	Q. Now in all the years you've been a		
19:13	gunsmith and a gun designer, have you previously		
19:14	worked as an expert witness in connection to firearm		
19:15	litigation like this one?		
19:16	A. Yes, I have. Numerous times in the		
19:17	last three years.		
19:18	Q. Did that litigation expert witness		
19:19	experience just begin in the last three years?		
19:20	A. Yes.		
19:21	Q. For this particular case, you'd agree		
19:22	it was my firm that hired you to assess the Sig		
19:23	Sauer P320?		
19:24	A. Yes, it was.		
19:25	Q. What is your hourly rate for your time		
20:01	and experience?		
20:02	A. \$200 an hour.		
20:03	Q. Is that in any way contingent upon the		
20:04	outcome of this case?		
20:05	A. No, it's not.		
20:06	ATTORNEY HURD: I move to admit James		
20:07	Tertin as an expert in firearm design, function, and		

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DESIGNATION	SOURCE	DURATION	ID
20:08	safeties. With that, I don't have any further		
20:09	questions for right now.		
20:10	ATTORNEY DENNISON: Okay.		
20:11	BY ATTORNEY DENNISON:		
20:12	Q. Mr. Tertin, you are not a licensed		
20:13	professional engineer. Is that correct?		
20:14	A. That's correct.		
20:15	Q. And I believe you identified that you		
20:16	have a two-year degree in gunsmithing from Trinidad		
20:17	State College in Colorado?		
20:18	A. That's correct.		
20:19	Q. During that two-year degree, you did		
20:20	not take any courses in physics. Correct?		
20:21	A. Correct.		
20:22	Q. You did not take any courses in		
20:23	engineering. Correct?		
20:24	A. Correct.		
20:25	Q. You did not take any courses in		
21:01	product design. Correct?		
21:02	A. Correct.		
21:03	Q. You previously testified that you		
21:04	don't consider yourself to be a scientist. Do you		
21:05	recall that?		
21:06	A. Yes.		
21:07	Q. And you previously testified that you		
21:08	were not trained or qualified to reconstruct a		
21:09	shooting accident to determine what happened in any		
21:10	particular event. Is that correct?		
21:11	A. Yeah. I'm not a reconstructionist.		
21:12	I'm a firearms expert.		
21:13	Q. You've never designed a striker-fired		
21:14	pistol?		
21:15	A. No.		
21:16	Q. And you've never carried a		
21:17	striker-fired pistol. Right?		
21:18	A. I have now, yes.		
21:19	Q. Okay. Is that recent?		
21:20	A. Yep.		
21:21	Q. You indicated that you work for Magnum		
21:22	Research in a semi-retired capacity. Is that right?		
21:23	A. Yes.		

DESIGNATION	SOURCE	DURATION	ID
21:24	Q. Magnum Research is owned by a company		
21:25	named -- is it Saeilo?		
22:01	A. Saeilo.		
22:02	Q. Saeilo.		
22:03	A. Saeilo, yep. A lot -- a lot of vowels		
22:04	in that word.		
22:05	Q. But Magnum Research is owned by		
22:06	Saeilo. Correct?		
22:07	A. Yes.		
22:08	Q. Saeilo owns Kahr Arms?		
22:09	A. Yes.		
22:10	Q. Kahr Arms manufactures striker-fired		
22:11	pistols. Correct?		
22:12	A. Correct.		
22:13	Q. Kahr Arms manufactures striker-fired		
22:14	pistols without a tabbed trigger. Correct?		
22:15	A. And double action, yes.		
22:16	Q. Well, let me start with they		
22:17	manufacture them without a tabbed trigger. Correct?		
22:18	A. Yes.		
22:19	Q. And you indicated that the Kahr Arms		
22:20	pistols without a tabbed trigger are double action.		
22:21	Would it be fair to state that they		
22:22	are not true double action pistols?		
22:23	A. Well, they're true double action		
22:24	pistols in that the trigger cocks and releases the		
22:25	striker.		
23:01	Q. That striker on the Kahr Arms pistol		
23:02	is partially pre-cocked before you pull the trigger.		
23:03	Correct?		
23:04	A. Yep. Yes, sir -- ma'am.		
23:05	Q. Now you talked about the revolver that		
23:06	you designed that is a single action revolver.		
23:07	Correct?		
23:08	A. Yes.		
23:09	Q. Is that also known as the BFR?		
23:10	A. That's correct.		
23:11	Q. That revolver that you designed has a		
23:12	three and a half trigger pull?		
23:13	A. Yes.		
23:14	Q. It does not have a manual thumb		

DESIGNATION	SOURCE	DURATION	ID
23:15	safety?		
23:16	A. No.		
23:17	Q. That's correct. Right?		
23:18	A. Yeah, that's correct. It does not. I		
23:19	don't know of any single action revolver that does.		
23:20	Q. It does not have a tabbed trigger.		
23:21	Correct?		
23:22	A. Absolutely not.		
23:23	Q. You talked about the transfer bar		
23:24	safety that you designed on that revolver. That is		
23:25	an internal safety to the gun. Correct?		
24:01	A. Yes.		
24:02	Q. And that safety --		
24:03	A. It's -- excuse me. Go ahead.		
24:04	Q. Sorry, I did not mean to speak over		
24:05	you. Were you finished your answer?		
24:06	A. It's visible to the shooter, but it's		
24:07	internal.		
24:08	Q. Thank you. That transfer bar safety		
24:09	was designed to prevent inertial fires from things		
24:10	like the pistol dropping. Correct?		
24:11	A. Correct.		
24:12	Q. That transfer bar safety does not stop		
24:13	the gun from firing if the trigger is accidentally		
24:14	pulled. Correct?		
24:15	A. Correct.		
24:16	Q. Now you previously told me that the		
24:17	expert reports -- well, let's start with you		
24:18	prepared an expert report in this matter. Correct?		
24:19	A. Yes, I did.		
24:20	Q. And that set forth the opinions that		
24:21	you have in this action. Right?		
24:22	A. Yes.		
24:23	Q. And you've previously told me that the		
24:24	expert report that you have prepared in these cases		
24:25	was the result of a back and forth between you and		
25:01	plaintiff's lawyers. Do you recall that?		
25:02	A. That's correct.		
25:03	Q. When I've asked you which portions of		
25:04	the report you wrote and which portions of the		
25:05	report the plaintiffs' lawyers wrote, you've been		

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DESIGNATION	SOURCE	DURATION	ID
	<p>25:06 unable to give me those specifics. Correct?</p> <p>25:07 A. I don't recall that. I do recall that</p> <p>25:08 all of the ideas and opinions and facts were mine</p> <p>25:09 and that Saltz Mongeluzzi &amp; Bendesky made them</p> <p>25:10 readable.</p> <p>25:11 Q. Okay. Do you recall telling me that</p> <p>25:12 your initial report was maybe eight pages long and</p> <p>25:13 then the report after Saltz Mongeluzzi got to it and</p> <p>25:14 edited it was maybe 18 pages long?</p> <p>25:15 A. Yes, I do. Yes. Yeah, my initial</p> <p>25:16 report was nothing but figures and data. They made</p> <p>25:17 it readable, added the legalese, and suggested some</p> <p>25:18 pictures.</p> <p>25:19 Q. Mr. Tertin, you were asked about</p> <p>25:20 whether you have offered opinions in other matters</p> <p>25:21 over the last three years. Do you recall that?</p> <p>25:22 A. Yes.</p>		
27:08 - 27:22	<b>Tertin, James 2025-07-09</b>	00:00:32	<b>JamesTertin-edit edfortrial.3</b>
	<p>27:08 Q. Mr. Tertin, you were just asked about</p> <p>27:09 your report and it being in collaboration with the</p> <p>27:10 law firm Saltz Mongeluzzi &amp; Bendesky. Right?</p> <p>27:11 A. Yes.</p> <p>27:12 Q. Were all of the opinions contained in</p> <p>27:13 that report your opinions?</p> <p>27:14 A. Yes, they were.</p> <p>27:15 Q. And the law firm helped make it</p> <p>27:16 readable?</p> <p>27:17 A. Yes.</p> <p>27:18 Q. Fair to say that you're a better</p> <p>27:19 gunsmith than you are a wordsmith?</p> <p>27:20 A. Yes. All of my career, I've had a</p> <p>27:21 secretary. So I'm not very good at putting facts</p> <p>27:22 and figures into a readable format.</p>		
28:08 - 29:07	<b>Tertin, James 2025-07-09</b>	00:01:14	<b>JamesTertin-edit edfortrial.4</b>
	<p>28:08 Q. Mr. Tertin, you mentioned that the law</p> <p>28:09 firm suggested some photographs for the report.</p> <p>28:10 Did the addition of those photographs</p> <p>28:11 have any effect on the length of the report?</p> <p>28:12 A. Yes, the pictures made it</p> <p>28:13 significantly longer. They take up a lot of room.</p>		

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DESIGNATION	SOURCE	DURATION	ID
	<p>28:14 Q. You were asked about your revolver and  28:15 the fact that it didn't have a tabbed trigger on it.  28:16 Tell me mechanically because we're all  28:17 unfamiliar with this revolver. We haven't seen it.  28:18 Take me through what a shooter has to do to actually  28:19 fire this pistol.</p> <p>28:20 A. Number one, load the cylinder, all  28:21 five chambers. Number two, cock the hammer. On  28:22 this gun, there is no half cock because it has a  28:23 transfer bar safety. It doesn't need a half cock.  28:24 Cock the hammer fully and, to fire, simply press the  28:25 trigger. If you elect not to fire it, when it's in  29:01 full-cocked position, you put your thumb on the  29:02 hammer, touch the trigger, let the hammer down, and  29:03 the transfer bar drops.</p> <p>29:04 Q. It's only when that hammer is cocked  29:05 all the way back and the trigger is pulled that it  29:06 will fire?</p> <p>29:07 A. That's correct.</p>		
29:14 - 30:04	<b>Tertin, James 2025-07-09</b>	00:00:40	<b>JamesTertin-edit edfortrial.5</b>
	<p>29:14 Q. What is the trigger pull when the  29:15 hammer's all the way back?</p> <p>29:16 A. Three and a half pounds.</p> <p>29:17 Q. Okay. If the hammer is all the way  29:18 down, are you able to pull the trigger and cause it  29:19 to fire?</p> <p>29:20 A. No. It's a hammer down on the single  29:21 action revolver, the entire mechanism is dead.</p> <p>29:22 Q. As a designer of this revolver, what's  29:23 your expectation of how people are going to carry  29:24 that, with the hammer down or with the hammer all  29:25 the way cocked?</p> <p>30:01 A. We did that demographic study on this.  30:02 Over 80 percent of the BFR owners hunt with them.  30:03 So our expectation is they carry it loaded, hammer  30:04 down, in a holster.</p>		
32:06 - 32:15	<b>Tertin, James 2025-07-09</b>	00:00:26	<b>JamesTertin-edit edfortrial.6</b>
	<p>32:06 Q. Mr. Tertin, I would like to shift our  32:07 attention now to actually talk about the incident  32:08 and your analysis and your opinions in this case.</p>		

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DESIGNATION	SOURCE	DURATION	ID
	32:09 Okay? 32:10 A. Okay. 32:11 Q. So you were hired to review and 32:12 analyze the Sig Sauer P320 to determine whether you 32:13 thought it was defective or dangerously designed. 32:14 Is that a fair assessment? 32:15 A. Yes.		
32:22 - 35:13	<b>Tertin, James 2025-07-09</b>	00:04:01	<b>JamesTertin-edit edfortrial.7</b>
	32:22 Q. Take me through your understanding 32:23 about what happened to officer Jacques Desrosiers on 32:24 October 10th, 2019? 32:25 A. Yes. I read his report and my 33:01 understanding is he was assigned to desk duties that 33:02 particular day. So he parked his car, a block away 33:03 from his squad room. He couldn't leave his duty 33:04 weapon in his car, which was on his belt, his duty 33:05 belt. So he took it out and locked his car, had his 33:06 left hand full of stuff that he needed for the day, 33:07 put his P320 in his waistband on his right side. 33:08 And as he was walking toward the squad 33:09 room, he adjusted it with his right hand because his 33:10 left hand was full, and it inadvertently fired. 33:11 At that point, he -- 33:12 Q. What -- 33:13 A. -- gun shot. 33:14 Q. What kind of gun was carrying? 33:15 A. He was carrying a P320. 33:16 Q. Did that P320 have any external 33:17 safety? 33:18 A. No, it didn't. 33:19 Q. Did the shell casing eject from the 33:20 gun? 33:21 A. No, it didn't. 33:22 Q. What does it mean if a shell casing 33:23 fails to eject from a striker-fired pistol like 33:24 that? 33:25 A. That generally means that the slide 34:01 was subject to some outside force, friction, that 34:02 did not allow it to come all the way back, extract, 34:03 and eject the case out of the pistol. So his slide		

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DESIGNATION	SOURCE	DURATION	ID
	34:04 was obstructed.		
	34:05 Q. Did you draft a report containing your		
	34:06 analysis and opinions in this case?		
	34:07 A. Yes.		
	34:08 Q. Let me show just for your screen what		
	34:09 we pre-marked as Exhibit 106.		
	34:10 Is this a copy of your report?		
	34:11 A. Yes, it is.		
	34:12 Q. Okay. And do you have a copy of that		
	34:13 in front of you, just in case you need to refresh		
	34:14 your recollection?		
	34:15 A. Yes, I do.		
	34:16 Q. Okay. So in connection to your		
	34:17 analysis of this case and the Sig Sauer P320, what		
	34:18 materials did you review?		
	34:19 A. Well, that was a lot of materials. I		
	34:20 reviewed some past reports of P320 cases from		
	34:21 Mr. Watkins and Mr. Toner, who is a Sig engineer. I		
	34:22 looked at an Exemplar P320 pistol that I have in my		
	34:23 possession. I looked at Mr. Vigilante's notes		
	34:24 regarding this P320 pistol, Officer Desrosiers'. I		
	34:25 looked at Cambridge Police Department incident		
	35:01 report. They had a report of the discharge from the		
	35:02 gun. I looked at some photographs related to the		
	35:03 subject P320, Officer Desrosiers' gun. I looked at		
	35:04 several Cambridge Police Department reports		
	35:05 including one from the officer who cleared his gun		
	35:06 and made sure it was empty and safe. Actually, he's		
	35:07 the one that removed the fired case that was still		
	35:08 in the gun. I looked at a lot of videos from past		
	35:09 P320 unintended discharge cases going back several		
	35:10 years that all show some of these guns were		
	35:11 holstered, some of these guns were not. But they		
	35:12 showed an accidental or incidental, uncommanded,		
	35:13 discharge. I reviewed those.		
39:23 - 44:16	<b>Tertin, James 2025-07-09</b>	00:07:06	<b>JamesTertin-editedfortrial.8</b>
	39:23 Q. Okay. Mr. Tertin, in connection to		
	39:24 your analysis of the P320 in this incident, did you		
	39:25 review videos of other unintended discharges?		
	40:01 A. Yes, I did.		

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DESIGNATION	SOURCE	DURATION	ID
40:02	Q. Could you tell us what you reviewed as memorialized in your report?		
40:03			
40:04	A. I reviewed several videos, I line listed them. The first one I looked at was February -- the incident occurred February 22nd, 2016		
40:05			
40:06			
40:07	involving an uncommanded discharge of a P320 in Rosecommon, Michigan. I reviewed Jacques Desrosiers' incident, which occurred October 10th, 2019 in Cambridge, Mass. I reviewed a video in		
40:08			
40:09			
40:10	August -- that occurred August 2021 in Port Huron, Michigan, again, involving a P320 and an uncommanded		
40:11			
40:12	discharge. I reviewed a video February 7th in Honesdale, Pennsylvania that involved a P320		
40:13			
40:14	discharge that was uncommanded. An incident that occurred March 28th in Houston, Texas I reviewed		
40:15			
40:16	involving a P320 with an uncommanded discharge. And on July 24th, an incident occurred in Montville,		
40:17			
40:18	Connecticut involving a P320 with an uncommanded		
40:19			
40:20	discharge.		
40:21	Q. In addition to the videos of other		
40:22	similar incidents that you reviewed, can you tell us		
40:23	what else you reviewed in connection to this case?		
40:24	A. Yes. I did some research on similar		
40:25	striker-fired handguns and I line listed them.		
41:01	There's over a hundred models if you consider all		
41:02	the different variations, barrel lengths, and colors		
41:03	of all these different pistols. Do you want me to		
41:04	go through those all?		
41:05	Q. No, but you can tell us what's the		
41:06	commonality among those pistols?		
41:07	A. The commonality of all of these		
41:08	pistols is they're single or double action handguns		
41:09	that have external safeties of some sort, either a		
41:10	tabbed trigger, grip safety, or manual thumb safety		
41:11	with the exception of the Sig Sauer P320, which has		
41:12	none of the above. No safeties externally.		
41:13	Q. Have you previously seen an image, a		
41:14	consolidated image, of the demonstrative pistols?		
41:15	A. Of who?		
41:16	Q. Demonstrative pistols. Let me share		
41:17	my screen with you for just a moment.		

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DESIGNATION	SOURCE	DURATION	ID
	41:18 Have you previously seen what has been		
	41:19 marked as Plaintiff's Exhibit 64?		
41:20	A. Yes, I have.		
41:21	ATTORNEY HURD: Let's publish this to		
41:22	the jury.		
41:23	BY ATTORNEY HURD:		
41:24	Q. What is depicted in this consolidated		
41:25	image?		
42:01	A. It's several different manufacturers		
42:02	of striker-fired pistols, but they all have a tabbed		
42:03	trigger safety.		
42:04	Q. Let's talk about gun basics for the		
42:05	jury who may or may not have familiarity with the --		
42:06	with firearms.		
42:07	At the most basic level -- and let's		
42:08	focus the conversation on pistols. At the most		
42:09	basic level, how does a gun work? How does it fire?		
42:10	A. It has to be cocked and then the		
42:11	striker-fired pin released, which hits a primer,		
42:12	fires the cartridge.		
42:13	Q. Now I understand there's a couple		
42:14	types of pistols, hammer- or striker-fired. Right?		
42:15	A. Yes.		
42:16	Q. Very simply, what's the difference?		
42:17	A. The striker is internal and the		
42:18	hammer-fired is actually a piece of metal that		
42:19	pivots on a pin and when the trigger is pulled, that		
42:20	piece of metal slides forward, hits the firing pin,		
42:21	which propels it forward into the primer.		
42:22	The striker pistol, the striker		
42:23	itself, is propelled forward.		
42:24	Q. Let's talk about cocking a pistol.		
42:25	What does it mean to cock a pistol?		
43:01	A. That means to apply spring tension on		
43:02	the striker to energize it so it can go forward and		
43:03	hit the primer.		
43:04	Q. Are all striker-fired guns cocked in		
43:05	the same way?		
43:06	A. No.		
43:07	Q. What is the difference?		
43:08	A. Some striker-fired guns are cocked by		

DESIGNATION	SOURCE	DURATION	ID
	43:09 pulling the trigger, which energizes the striker and 43:10 allows it to release and go forward and fire the 43:11 cartridge. 43:12 Some striker-fired pistols, the 43:13 striker is fully cocked and a simple pull of the 43:14 trigger fires the pistol. 43:15 Q. Do you have a demonstrative animation 43:16 of the mechanical movement of a striker-fired 43:17 pistol? 43:18 A. Yes. 43:19 Q. Let's take a look at what has been 43:20 previously marked as Plaintiff's Exhibit 49. We'll 43:21 turn that audio off. 43:22 Is Plaintiff's Exhibit 49 an animation 43:23 of a striker-fired pistol and specifically a Glock? 43:24 A. Yes, it is. 43:25 ATTORNEY HURD: Let's publish this for 44:01 the jury. 44:02 BY ATTORNEY HURD: 44:03 Q. I'm going to play and, as I do, I'd 44:04 like you to tell us and explain to the jury what is 44:05 happening. 44:06 A. Okay. Okay. We can just see at the 44:07 bottom of the screen where the tab was pulled and 44:08 the trigger -- the tab was pressed and the trigger 44:09 is starting to pull. 44:10 There we go. Tab's depressed, trigger 44:11 is pulling, striker is being energized. It reaches 44:12 a point where it's released, slides forward, hits 44:13 the primer, bullet's expelled out the barrel. And 44:14 now the blow back is moving the slide back, 44:15 extracting and ejecting the fired case, picking up a 44:16 new one from the magazine.		
44:24 - 48:18	<b>Tertin, James 2025-07-09</b>	00:04:39	<b>JamesTertin-edit edfortrial.9</b>
	44:24 Q. You mentioned just a moment ago about 44:25 the different ways to cock a pistol. Do you recall 45:01 that? 45:02 A. Yes. 45:03 Q. Are their names associated with the 45:04 two different ways?		

DESIGNATION	SOURCE	DURATION	ID
45:05	A. Yes, there are. There's a single		
45:06	action pistol and a double action pistol.		
45:07	Q. Which one is which?		
45:08	A. The single action pistol is where the		
45:09	striker is fully energized and cocked and resting on		
45:10	a part we call a sear.		
45:11	A double action pistol, the striker is		
45:12	at rest until the trigger starts to be pulled. As		
45:13	the trigger is pulled, the striker moves back		
45:14	correspondingly with the trigger and it's		
45:15	continually energized until it releases and slides		
45:16	forward and hits the primer.		
45:17	Q. What would you refer -- strike that.		
45:18	What would you call a Glock, double or		
45:19	single action?		
45:20	A. Double.		
45:21	Q. Okay. Now are you aware that Glock		
45:22	calls it something else?		
45:23	A. Yes, I am.		
45:24	Q. What do they call it?		
45:25	A. They call it a safe action.		
46:01	Q. Okay. In your view, what is a Glock?		
46:02	A. It's a double action. The striker is		
46:03	not fully energized until the trigger is pulled all		
46:04	the way rearward.		
46:05	Q. Okay. Let's talk about the Sig Sauer		
46:06	P320. Is that a double action or a single action?		
46:07	A. Single action.		
46:08	Q. And why is that?		
46:09	A. It's a single action because when the		
46:10	gun is cocked, like we talked about earlier, the		
46:11	striker is held in the rearward position fully		
46:12	energized resting on a part we call a sear.		
46:13	Q. Would a typical user know that the Sig		
46:14	Sauer P320 is a single action pistol without being		
46:15	told?		
46:16	A. No. No, absolutely not.		
46:17	Q. How do you know that the Sig Sauer		
46:18	P320 is a single action pistol?		
46:19	A. I actually made a cutaway of a P320		
46:20	that I identified and located the striker in the		

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DESIGNATION	SOURCE	DURATION	ID
	46:21 slide. Using the Bridgeport mill, I made a cut in		
	46:22 that slide that made the striker visible. I dyed		
	46:23 part of it red so that it was easily identifiable.		
46:24	Q. Let me show you what has been		
46:25	pre-marked as Plaintiff's Exhibit 126.		
47:01	Is this a video you created --		
47:02	A. Yes, it is.		
47:03	Q. -- to demonstrate that cutaway?		
47:04	A. Yes.		
47:05	ATTORNEY HURD: Okay. Let's publish		
47:06	Plaintiff's Exhibit 126 for the jury.		
47:07	BY ATTORNEY HURD:		
47:08	Q. Before I hit play, could you tell us		
47:09	what we're seeing here?		
47:10	A. Yeah. What we're seeing is the Sig		
47:11	Sauer P320. I cut a slot in the left slot of the		
47:12	slide that makes the striker and striker spring		
47:13	visible.		
47:14	Q. What is a striker in this video?		
47:15	A. The striker is that piece in the front		
47:16	that's dyed red.		
47:17	Q. Can you see my cursor?		
47:18	A. Yes.		
47:19	Q. Is this part of the striker?		
47:20	A. That's it. That is the striker.		
47:21	Q. And what is this component behind it?		
47:22	A. That's the striker spring.		
47:23	Q. And in this photo, is the P320 cocked		
47:24	or uncocked?		
47:25	A. It's cocked. The spring is fully		
48:01	loaded.		
48:02	Q. And how does it get fully loaded?		
48:03	A. It gets fully loaded by articulating		
48:04	the slide initially. You have to pull the slide all		
48:05	the way back and release it. Then it cocks the		
48:06	striker by resting it on the sear.		
48:07	Q. When the trigger's pulled, what will		
48:08	happen?		
48:09	A. When the trigger's pulled, the striker		
48:10	will be released and the spring behind it will		
48:11	propel it forward into the cartridge. Then every		

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DESIGNATION	SOURCE	DURATION	ID
	48:12 subsequent shot, it cocks automatically. 48:13 Q. Let me hit play. 48:14 (Whereupon the video clip was played.) 48:15 THE WITNESS: Here I'm pulling -- yep. 48:16 You can see the striker go forward when I'm pulling 48:17 the trigger. 48:18 (Whereupon the video clip was stopped.)		
49:07 - 62:08	<b>Tertin, James 2025-07-09</b>	00:16:57	<b>JamesTertin-editedfortrial.10</b>
	49:07 Q. Mr. Tertin, when we watch this, we see 49:08 the tiniest amount of movement in the spring. Can 49:09 you tell us why that is? 49:10 A. Yes. That's a slight angulation in 49:11 the sear so that it holds the striker solidly in 49:12 position on the sear. Every gun has that that's a 49:13 single action. 49:14 Q. Okay. 49:15 (Whereupon the video clip was played.) 49:16 BY ATTORNEY HURD: 49:17 Q. So does that tiny bit of movement have 49:18 anything to do with the gun being cocked? 49:19 A. No, it's pre-cocked. You can see in 49:20 the video the spring is fully depressed. And that 49:21 sear being slightly angled, as it's dropping, it's 49:22 moving the striker a few thousands of an inch to get 49:23 it off the sear and allow it to go forward. 49:24 (Whereupon the video clip was stopped.) 49:25 BY ATTORNEY HURD: 50:01 Q. A few thousands of an inch. Is there 50:02 anything in layperson's terms that you could equate 50:03 that to? 50:04 A. Well, I believe I measured this 50:05 movement at 12 thousands and I could equate that to 50:06 four human hairs. 50:07 Q. Okay. I want you to look at the 50:08 trigger when I hit play and we can see your finger 50:09 moving back and forth. What is that showing? 50:10 (Whereupon the video clip was played.) 50:11 THE WITNESS: I'm taking up what we 50:12 call the takeup. That's free travel. Once that 50:13 takeup is removed, you can see that then the trigger		

DESIGNATION	SOURCE	DURATION	ID
	50:14 and the transfer bar mechanism is in direct contact		
	50:15 with the sear. It takes very little movement to		
	50:16 fire it at that point once the takeup is removed.		
	50:17 BY ATTORNEY HURD:		
	50:18 Q. Did you perform a similar analysis of		
	50:19 the action in a Glock by creating a cutout?		
	50:20 A. Yes, I did.		
	50:21 Q. And did you videotape that?		
	50:22 A. I did.		
	50:23 Q. Let's take a look at Plaintiff's		
	50:24 Exhibit 109.		
	50:25 Is Plaintiff's Exhibit 109 the video		
	51:01 of the Glock with the cutout so you can see the		
	51:02 striker?		
	51:03 A. Yes, it is.		
	51:04 ATTORNEY HURD: Let's publish this for		
	51:05 the jury and let's play it.		
	51:06 (Whereupon the video clip was played and stopped.)		
	51:07 BY ATTORNEY HURD:		
	51:08 Q. I'm going to stop right there.		
	51:09 What is happening with the spring and		
	51:10 the striker as you're squeezing the trigger?		
	51:11 (Whereupon the video clip was played.)		
	51:12 THE WITNESS: The spring is being		
	51:13 compressed and the striker is being energized as I		
	51:14 pull the trigger.		
	51:15 You can see I hit the tab on the		
	51:16 trigger and start pulling it rearward and then, like		
	51:17 I said, the spring is being depressed and the		
	51:18 striker is being energized until the point of no		
	51:19 return and then the striker is released.		
	51:20 (Whereupon the video clip was stopped.)		
	51:21 BY ATTORNEY HURD:		
	51:22 Q. So how many actions is the trigger		
	51:23 doing on this pistol?		
	51:24 A. The trigger is doing one action.		
	51:25 Well, two actions. It's energizing the striker and		
	52:01 releasing it.		
	52:02 Q. Is there another word for energizing		
	52:03 the striker?		
	52:04 A. Cocking.		

DESIGNATION	SOURCE	DURATION	ID
52:05	Q. Okay.		
52:06	A. Cocking the striker.		
52:07	Q. Let's talk about trigger travel and		
52:08	trigger pull weight.		
52:09	First, could you tell us what the term		
52:10	trigger travel distance refers to?		
52:11	A. The distance required to pull a		
52:12	trigger measured in inches in order for it to fire.		
52:13	Q. That's trigger travel distance?		
52:14	A. That's trigger travel distance, yes.		
52:15	Q. And what does the term trigger pull		
52:16	weight refer to?		
52:17	A. Pull weight is a similar measurement		
52:18	measured in pounds and ounces and it's the amount of		
52:19	pounds and ounces required for a trigger to fully		
52:20	actuate and fire.		
52:21	Q. Is the trigger travel distance		
52:22	different across double action and single action		
52:23	pistols?		
52:24	A. Yes, absolutely.		
52:25	Q. How so?		
53:01	A. As we saw in my previous video on the		
53:02	double action, the trigger travel was fairly		
53:03	significant because you're cocking the striker,		
53:04	you're compressing the spring before it releases.		
53:05	On a single action, as you saw in my		
53:06	previous video, my finger's taking up the free		
53:07	travel. That's actually not measured as part of a		
53:08	total distance for pull on a single action gun.		
53:09	It's a measurement, but it's a pound and a half		
53:10	weight. It doesn't really matter.		
53:11	Single action, the free travel is a		
53:12	function of design. It has to be there for the		
53:13	disconnector in that pistol to reset the sear.		
53:14	Anyway, back to your question.		
53:15	Q. Let me stop you for a second and		
53:16	continue focusing on the trigger travel distance.		
53:17	Have you measured the trigger travel		
53:18	distance on a Glock?		
53:19	A. Yes.		
53:20	Q. And have you videotaped that?		

DESIGNATION	SOURCE	DURATION	ID
53:21	A. I did.		
53:22	Q. Let me show you what's been pre-marked		
53:23	as Plaintiff's Exhibit 108.		
53:24	Is this the video of your measurement		
53:25	of the Glock trigger travel distance?		
54:01	A. Yes, it is.		
54:02	ATTORNEY HURD: Let's publish this for		
54:03	the jury.		
54:04	BY ATTORNEY HURD:		
54:05	Q. When I hit play, let us know what		
54:06	you're doing here. Again, this is a Glock. Right?		
54:07	A. Yes.		
54:08	(Whereupon the video clip was played.)		
54:09	THE WITNESS: You can see the Glock is		
54:10	in the inert position. The striker's not visible,		
54:11	only the spring. Okay?		
54:12	Now we're in the safe action mode.		
54:13	I'm touching the blade with my electronic caliper.		
54:14	I'm resetting it to zero. I'm slowly depressing		
54:15	that trigger until the point it releases and I get a		
54:16	measurement of .433 inches. Just under a half an		
54:17	inch.		
54:18	(Whereupon the video clip was stopped.)		
54:19	BY ATTORNEY HURD:		
54:20	Q. Okay. Did you also measure the		
54:21	trigger travel distance on Exemplar P320?		
54:22	A. Yes, I did.		
54:23	Q. Did you measure that specifically for		
54:24	this case?		
54:25	A. I've measured every P320 that I've		
55:01	worked on plus numerous Exemplars that I have. So I		
55:02	measured a lot of them.		
55:03	Q. Okay. You provided the measurements		
55:04	of one in your report. What was the trigger travel		
55:05	distance of that one?		
55:06	A. I measured it several times.		
55:07	Q. You know what? I'm sorry.		
55:08	A. Yes. I measured at the free travel,		
55:09	that I spoke about earlier, was 100 thousands of an		
55:10	inch, .100. And once I hit the wall and continued		
55:11	movement until the break point was 48 thousands of		

DESIGNATION	SOURCE	DURATION	ID
55:12	an inch, .048.		
55:13	Q. Let's talk about those phases of		
55:14	trigger travel for a moment.		
55:15	Explain for us the takeup or the free		
55:16	travel. What is that?		
55:17	A. That's a function of design. Every		
55:18	single action pistol has that. It's when you fire a		
55:19	single action pistol, the trigger has to be fully		
55:20	released forward in order for the disconnector to		
55:21	reset. And then that free travel is just bringing		
55:22	the trigger bar and that assembly back into full		
55:23	contact with the sear. If the free travel wasn't		
55:24	there, the gun would either not function or go full		
55:25	auto.		
56:01	Q. That free travel, what's the trigger		
56:02	pull weight of that?		
56:03	A. A pound and a half.		
56:04	Q. You then mentioned the set point or		
56:05	the wall. What are you referring to with that term?		
56:06	A. The set point is when the trigger bar		
56:07	linkage, as the trigger moves rearward, comes into		
56:08	the full contact with the sear.		
56:09	Then continuing to move past that, the		
56:10	sear starts to slowly drop as the trigger is pulled.		
56:11	Q. What is the trigger pull weight for a		
56:12	P320 associated with that phase of the trigger pull,		
56:13	from the wall to the break?		
56:14	A. It's about five and a half pounds.		
56:15	Q. Okay. And the break, what does that		
56:16	refer to?		
56:17	A. The break is when the sear is dropped		
56:18	far enough that the striker is released. That's the		
56:19	break point.		
56:20	Q. Did you take video of you measuring an		
56:21	Exemplar P320?		
56:22	A. I did.		
56:23	Q. Let's take a look at Plaintiff's		
56:24	Exhibit 118.		
56:25	Is this the video of you measuring the		
57:01	Sig Sauer P320?		
57:02	A. Yes, it is.		

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DESIGNATION	SOURCE	DURATION	ID
	57:03 ATTORNEY HURD: Let's publish this for		
	57:04 the jury.		
	57:05 (Whereupon the video clip was played.)		
	57:06 BY ATTORNEY HURD:		
	57:07 Q. Tell us what you're doing here.		
	57:08 A. Sig P320 with a flat trigger in the		
	57:09 cocked position. I'm taking the free -- you watch,		
	57:10 I take the free travel off, the takeup, with my		
	57:11 thumb. I'm doing that so I can get a setting where		
	57:12 the wall occurs. I'll probably hit that yellow		
	57:13 button. Yeah. That sets my caliper to zero.		
	57:14 Now I continue to move the trigger		
	57:15 back with my thumb while moving the caliper as well		
	57:16 and watching the electronic readout and that'll give		
	57:17 me a number in thousands of an inch when that break		
	57:18 point is reached.		
	57:19 Q. What was your measurement -- what was		
	57:20 your measurement of the set point to the break point		
	57:21 on this Exemplar?		
	57:22 A. I did this three times. That first		
	57:23 one we just saw was 54 thousandths of an inch, .054.		
	57:24 Now I'm doing the same thing again.		
	57:25 Took the takeup, free travel, up with my thumb,		
	58:01 slowly depressed the trigger with my thumb while		
	58:02 measuring it until it broke. That was also .054, 54		
	58:03 thousandths of an inch.		
	58:04 Now I'm doing this a third time. Set		
	58:05 the caliper at zero, slowly depressing the trigger		
	58:06 until the break point. That measurement was 052.		
	58:07 Just for reference, 16th of an inch is .061.		
	58:08 (Whereupon the video clip was stopped.)		
	58:09 BY ATTORNEY HURD:		
	58:10 Q. Did you have the opportunity to see		
	58:11 the Sig Sauer diagram that listed the phases and		
	58:12 away and the measurements?		
	58:13 A. Yes, I did see that.		
	58:14 Q. Okay. Let me show you what has been		
	58:15 pre-marked as Plaintiff's Exhibit 35.		
	58:16 Is this the diagram that you viewed?		
	58:17 A. Yep, I did see that.		
	58:18 ATTORNEY HURD: Let's publish this for		

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DESIGNATION	SOURCE	DURATION	ID
58:19	the jury.		
58:20	BY ATTORNEY HURD:		
58:21	Q. Can you explain using this diagram the		
58:22	phases of a trigger pull?		
58:23	A. Yes. I got a zero in here on that		
58:24	screen.		
58:25	We have a movement from a dead trigger		
59:01	to a set point, which is .28 millimeters, and we		
59:02	have a dimension from the set point to the break		
59:03	point of .42 millimeters and then we continue on		
59:04	until the trigger is in the furthest most rearward		
59:05	position. This is after the gun is fired. You can		
59:06	continue to pull the trigger rearward and that's		
59:07	point .69 millimeters until it stops.		
59:08	Q. When you do the conversion of the		
59:09	travel distance between the set point and the break		
59:10	point, was that consistent with your measurements?		
59:11	A. Yes, it was.		
59:12	Q. All of the P320s that you've measured,		
59:13	has it been largely consistent, largely consistent		
59:14	measurement between set point and break point?		
59:15	A. Yes, they have. They varied a few		
59:16	thousandths of an inch on each pistol that I've		
59:17	examined. But in actuality, this is an assembly		
59:18	line -- assembly-lined made product. So I expect		
59:19	that variation.		
59:20	Q. Derek Watkins' report and I believe		
59:21	will testify that the Sig Sauer P320 takes		
59:22	approximately 38 percent less trigger displacement		
59:23	to discharge than a Glock 19 Gen 4. Do you agree		
59:24	with that?		
59:25	A. No. Actually, on average, it takes		
60:01	about 55 thousandths of an inch to fire a Sig P320.		
60:02	And as I measured earlier and we saw, it takes .433		
60:03	of an inch, 433 thousandths, to fire a Glock.		
60:04	That's 85 percent.		
60:05	Q. Do you know the trigger pull weight on		
60:06	the average Glock?		
60:07	A. Yeah, it's about five and a half		
60:08	pounds.		
60:09	Q. And does a Glock have the free travel		

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DESIGNATION	SOURCE	DURATION	ID
	60:10 like the P320 has?		
60:11	A. No, it does not.		
60:12	Q. So in the simplest of terms, in terms		
60:13	of measurement, how do you compare the Glock trigger		
60:14	or a double action and a Sig trigger?		
60:15	A. Well, a double action trigger is long,		
60:16	a Sig trigger and short.		
60:17	Q. Let's talk about Officer Desrosiers'		
60:18	P320 specifically.		
60:19	Did you have the opportunity to		
60:20	personally inspect his pistol?		
60:21	A. No, I did not.		
60:22	Q. Do you know why not?		
60:23	A. Yes. Officer Desrosiers' pistol was		
60:24	being held by the Cambridge Police Department and		
60:25	Mr. Vigilante was there looking at some other items		
61:01	and had the chance to examine this pistol, he made		
61:02	notes on it, did measurements on it, and I got a		
61:03	chance to see those.		
61:04	Q. So Dr. Vigilante measured the trigger		
61:05	travel distance?		
61:06	A. Yes.		
61:07	Q. Have you worked with Dr. Vigilante		
61:08	before?		
61:09	A. Yes, I have, on past cases.		
61:10	Q. Have you relied on his measurements		
61:11	before or demonstrations before?		
61:12	A. Absolutely. He's a solid scientist.		
61:13	Q. Dr. Vigilante's measurements here, how		
61:14	did they compare to the measurements that you've		
61:15	taken of P320s previously?		
61:16	A. They match very closely.		
61:17	Q. Okay. Within thousandths of an inch?		
61:18	A. Yes, they did. Actually, Bill		
61:19	Vigilante measured the takeup at 122 thousandths.		
61:20	On this one particular gun we talked about earlier,		
61:21	I measured at 100 thousandths. Twenty-two		
61:22	thousandths is pretty much insignificant in free		
61:23	travel.		
61:24	Q. And his total travel distance, how did		
61:25	that compare to the Sig Sauer's P320 diagram travel		

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DESIGNATION	SOURCE	DURATION	ID
	62:01 distance? 62:02 A. Identical. Bill measured it in 62:03 millimeters. I believe he got 6.8 millimeters for 62:04 total trigger travel. And if I recall, that diagram 62:05 Sig had was the same. 62:06 Q. Let me show you for identification 62:07 purposes what's been pre-marked as Plaintiff's 62:08 Exhibit 87.		
62:21 - 63:06	<b>Tertin, James 2025-07-09</b>	00:00:24	<b>JamesTertin-edit edfortrial.11</b>
	62:21 Mr. Tertin, what are we looking at at 62:22 Plaintiff's Exhibit 87? 62:23 A. This Bill Vigilante's notes that he 62:24 recorded on the trigger pull distance of Officer 62:25 Desrosiers' P320. 63:01 Q. Does this contain the measurements you 63:02 just referred to? 63:03 A. Yes, it does. 63:04 Q. Is this something you relied on in 63:05 connection with your analysis of this case? 63:06 A. Absolutely.		
63:16 - 82:15	<b>Tertin, James 2025-07-09</b>	00:23:42	<b>JamesTertin-edit edfortrial.12</b>
	63:16 Q. Even if you 63:17 were unable to have Dr. Vigilante's measurements, 63:18 based on your evaluations and measurements of other 63:19 Exemplar P320's through the years, what is your 63:20 expectation that you'd find for Officer Desrosiers' 63:21 gun? 63:22 A. I would expect them to be very similar 63:23 to all of them that I've examined. 63:24 Q. Let's talk about safeties. 63:25 When we're talking about a safety on a 64:01 pistol, what are we talking about? What is it? 64:02 A. Mechanism. We're talking about 64:03 safeties, it would be a mechanism on the outside of 64:04 the firearm that prevents it from being discharged 64:05 inadvertently. 64:06 Q. You may have just said it, but what's 64:07 the purpose of a safety, an external safety? 64:08 A. Keep a gun from firing uncommanded. 64:09 Q. Does a Glock have a safety?		

DESIGNATION	SOURCE	DURATION	ID
64:10	A. Yes, it does. It has a bladed		
64:11	trigger.		
64:12	Q. Is that also referred to as a tabbed		
64:13	trigger?		
64:14	A. Yes.		
64:15	Q. What type of external safeties are		
64:16	most commonly used on pistols?		
64:17	A. Most common today is a blade in the		
64:18	trigger. When I first started in this business, it		
64:19	was an external manual safety that pushed up and		
64:20	down and they're located on the slide or the frame		
64:21	of a pistol or a grip safety located in the rear of		
64:22	the frame that when you grab the frame of the		
64:23	handgun, the web of your hand actually depressed it.		
64:24	Q. The last type of safety you were		
64:25	referencing, is that also known as a thumb safety?		
65:01	A. The thumb safety is the second one I		
65:02	mentioned. That's a lever that flips up usually is		
65:03	on, flips down usually is off.		
65:04	Q. Okay. Did Officer Desrosiers' P320		
65:05	have a tabbed trigger safety or a bladed trigger		
65:06	safety?		
65:07	A. No, it did not.		
65:08	Q. Does any P320 that you're aware of		
65:09	have a tabbed trigger safety?		
65:10	A. No.		
65:11	Q. Did Officer Desrosiers' P320 have a		
65:12	manual thumb safety?		
65:13	A. No, it did not.		
65:14	Q. Let's talk about tabbed triggers. I		
65:15	would like to show you what has been pre-marked --		
65:16	strike that.		
65:17	I would like to show you a		
65:18	demonstrative first. This has been pre-marked as		
65:19	Exhibit 50. Have you seen this before?		
65:20	A. Yes, I have.		
65:21	Q. What am I holding up in front of the		
65:22	camera?		
65:23	A. You're holding a Glock trigger		
65:24	assembly.		
65:25	Q. Okay. Does this trigger assembly have		

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DESIGNATION	SOURCE	DURATION	ID
	66:01 a tab on it?		
	66:02 A. Yes. You can see it right in the		
	66:03 center of the trigger.		
	66:04 Q. Okay. Now I'm not sure how well the		
	66:05 jury is going to be able to see that on video, if at		
	66:06 all. So I will show you what has been pre-marked as		
	66:07 Plaintiff's Exhibit 66.		
	66:08 Have you seen Plaintiff's Exhibit 66		
	66:09 before?		
	66:10 A. Yes, I have.		
	66:11 ATTORNEY HURD: I would like to		
	66:12 publish this for the jury.		
	66:13 BY ATTORNEY HURD:		
	66:14 Q. Could you take a look at Plaintiff's		
	66:15 Exhibit 66 and explain to the jury what we're		
	66:16 looking at?		
	66:17 A. You're looking at a Glock trigger with		
	66:18 the tab visible in the center of the trigger. It's		
	66:19 protruding out from the trigger itself.		
	66:20 Q. Can you see my cursor?		
	66:21 A. I can.		
	66:22 Q. Okay. This area here that I'm moving		
	66:23 the cursor on --		
	66:24 A. Yeah. You're --		
	66:25 Q. -- what is that? What is that?		
	67:01 A. You're on the tab right there with		
	67:02 your cursor.		
	67:03 Q. Could you explain to us how this		
	67:04 works, how this tabbed trigger works?		
	67:05 A. Yes. The tab is depressed by your		
	67:06 finger when it's squarely on the trigger. As the		
	67:07 tab is depressed, you can see at the very back of		
	67:08 the trigger, there's a little piece that sticks		
	67:09 down. Right there, yeah. That interacts with the		
	67:10 frame. So if you pull the side of the trigger, that		
	67:11 little piece that sticks down hits the frame and		
	67:12 disallows the trigger to move.		
	67:13 When the tab is depressed, that is --		
	67:14 that little piece connected to the tab swings up and		
	67:15 out of the way and allows the trigger to move		
	67:16 rearward, cock, and release the striker.		

DESIGNATION	SOURCE	DURATION	ID
	67:17 Q. On a tabbed trigger, how many areas 67:18 can a user or an object touch and cause that trigger 67:19 to actuate if pressure's applied? 67:20 A. That's a good question. Actually, 67:21 there's two. You can touch the very tip of the tab 67:22 with your finger and you can touch the center of the 67:23 trigger with your finger and depress the tab and 67:24 actuate the trigger. Two, two areas. 67:25 Q. If you were to press just the side of 68:01 the trigger and pull, what would happen? 68:02 A. Nothing. It's a dead trigger. 68:03 Q. Have you demonstrated on video how a 68:04 tabbed trigger works? 68:05 A. Yes, I have. 68:06 Q. Let me show you what has been 68:07 pre-marked as Plaintiff's Exhibit 107. 68:08 Is the video that I have up on my 68:09 screen the video that you recorded? 68:10 A. Yes, it is. 68:11 ATTORNEY HURD: I'm going to publish 68:12 this for the jury. 68:13 BY ATTORNEY HURD: 68:14 Q. I'm going to hit play and I ask that 68:15 you explain to the jury what this is showing. 68:16 A. Okay, I'll do it. 68:17 (Whereupon the video clip was played.) 68:18 THE WITNESS: I'm setting the striker. 68:19 Now I'm hitting various positions of the trigger 68:20 top, center, bottom, but always on the side. Even 68:21 on the tip, but I'm on the side of the trigger. I'm 68:22 simulating a graze trigger here. 68:23 BY ATTORNEY HURD: 68:24 Q. What do you mean by graze trigger? 68:25 A. A graze trigger is when some object 69:01 grazes the side of it. And in the end, I put my 69:02 finger on the center of the tab, depressed it, and 69:03 fired the gun. 69:04 Yeah, now I'm grazing the side. 69:05 There, I even use my fingernail. I'm unable to get 69:06 that pistol to fire until right there. Depress the 69:07 tab, cock, and fire it.		

DESIGNATION	SOURCE	DURATION	ID
69:08	Q. Let's talk about a non-tabbed trigger		
69:09	like the Sig Sauer P320 trigger.		
69:10	A. Okay.		
69:11	Q. How many areas can a user or an object		
69:12	touch on a P320 trigger and cause it to actuate if		
69:13	pressure's applied?		
69:14	A. That's another good question. Let me		
69:15	think about that.		
69:16	Single action, non-tabbed trigger, I		
69:17	would have to say ten. You can hit the left side of		
69:18	the trigger in three different areas: the bottom,		
69:19	the center, and the top. You can hit the right side		
69:20	of the trigger bottom, center, and top. You can hit		
69:21	the center of the trigger bottom, center, and top,		
69:22	and you can also touch the very tip of the trigger		
69:23	and fire it.		
69:24	Q. Have you done a video demonstrating		
69:25	how you can actuate a P320 trigger that does not		
70:01	have a tab?		
70:02	A. Yes.		
70:03	Q. Let me show you what has been		
70:04	pre-marked as Plaintiff's Exhibit 125.		
70:05	Is this a video that you recorded?		
70:06	A. Not coming up.		
70:07	Q. Oh, I'm sorry, I didn't hit share.		
70:08	Let me start fresh.		
70:09	Let me show you what's been pre-marked		
70:10	as Plaintiff's Exhibit 125. Is this a video that		
70:11	you recorded?		
70:12	A. Yes, it is.		
70:13	Q. I'm going to hit play. And when I do,		
70:14	please explain to the jury and what you're doing		
70:15	here and what this demonstrates.		
70:16	(Whereupon the video clip was played.)		
70:17	THE WITNESS: Okay. We're starting		
70:18	with a cocked Sig Sauer. You can see the striker in		
70:19	the rearward position and I'm grazing the trigger		
70:20	even with my fingernail on the right side trying to		
70:21	get it to fire.		
70:22	As you can see by the red striker, I		
70:23	can fire that pistol from any position by grazing it		

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DESIGNATION	SOURCE	DURATION	ID
	70:24 on the side. Then I'm manually re-cocking the		
	70:25 pistol every time.		
	71:01 BY ATTORNEY HURD:		
	71:02 Q. Why is it that you had to manually		
	71:03 re-cock the pistol every time?		
	71:04 A. Because it's a single action. I have		
	71:05 to get the striker solidly in contact with the sear		
	71:06 again.		
	71:07 Q. Now if the gun actually had ammunition		
	71:08 in it, you wouldn't have to rack the slide every		
	71:09 time. Right?		
	71:10 A. That's correct. Yeah, firing it would		
	71:11 re-cock it automatically.		
	71:12 Q. Now if this P320 was equipped with a		
	71:13 tabbed trigger, do you have an opinion about whether		
	71:14 that side grazing would cause it to actuate?		
	71:15 A. Yes, I do. My opinion is it would be		
	71:16 exactly like the previous video of the Glock		
	71:17 trigger. Grazing it on the side from any position,		
	71:18 top or bottom, would not fire it.		
	71:19 Q. Did you also test the two types of		
	71:20 triggers using some type of apparatus?		
	71:21 A. Yes. I designed an apparatus that		
	71:22 scientifically and accurately measures various		
	71:23 angles. I can set this device at any angle. It		
	71:24 measures various angles of pull on triggers.		
	71:25 Q. Okay. Let's first take a look at		
	72:01 Exhibit, Plaintiff's Exhibit, 122.		
	72:02 Is this a video that you took?		
	72:03 A. Yes, it is.		
	72:04 Q. Okay. This is a Sig Sauer P320.		
	72:05 Correct?		
	72:06 A. Yes, it is.		
	72:07 ATTORNEY HURD: Okay. Let's publish		
	72:08 this for the jury.		
	72:09 BY ATTORNEY HURD:		
	72:10 Q. Before I hit play, set the stage.		
	72:11 What do we see here?		
	72:12 A. We see my fixture. And in that		
	72:13 fixture, there's a Sig P320. You can see an arm		
	72:14 through the window of the trigger guard. That arm		

DESIGNATION	SOURCE	DURATION	ID
72:15	simulates some object that might graze at various		
72:16	angles the side of a trigger.		
72:17	In this case, I can see that arm angle		
72:18	is fairly severe. I'm assuming that arm is at 40		
72:19	degrees. I did this actually at 20, 30, and 40		
72:20	degrees.		
72:21	(Whereupon the video clip was played.)		
72:22	THE WITNESS: I can see that it's		
72:23	contacting the very side of the P320 and it fires		
72:24	it.		
72:25	BY ATTORNEY HURD:		
73:01	Q. So that arm at 40 degrees, what does		
73:02	that simulate?		
73:03	A. That simulates an object grazing the		
73:04	side of a trigger and firing it.		
73:05	(Whereupon the video clip was stopped.)		
73:06	BY ATTORNEY HURD:		
73:07	Q. Did you also perform that type of		
73:08	demonstration with a Glock?		
73:09	A. I did.		
73:10	Q. Let's take a look at Plaintiff's		
73:11	Exhibit 112. Is Plaintiff's Exhibit 112 a video you		
73:12	took?		
73:13	(Whereupon the video clip was played and stopped.)		
73:14	THE WITNESS: Yes. This is a Glock in		
73:15	the same fixture. You can see that the striker is		
73:16	not energized. I'm pulling the trigger numerous		
73:17	times. To get it to fire, I have to put my finger		
73:18	in the center of the blade and pull it back. But		
73:19	I'm hitting the side of the trigger here in numerous		
73:20	different positions. You can see me pulling it with		
73:21	a chain. I'm on the bottom, center, and now I'm		
73:22	firing it manually.		
73:23	BY ATTORNEY HURD:		
73:24	Q. Now if you were to stick that actuator		
73:25	or that arm in further across the tab, would you		
74:01	expect it to fire?		
74:02	A. No. Only if it was in far enough and		
74:03	at a shallow enough angle to hit the tab. At 40		
74:04	degrees, it'd have to be all the way across the		
74:05	trigger. So the answer's no.		

DESIGNATION	SOURCE	DURATION	ID
74:06	Q. But if it was all the way across the trigger and across that tab, then it would?		
74:08	A. If it depressed the tab, it would, and		
74:09	then only.		
74:10	Q. Are there any disadvantages that		
74:11	you're aware of to having a tabbed trigger safety?		
74:12	A. No. None.		
74:13	Q. Have you ever seen someone get a glove stuck in a tab?		
74:15	A. No, I haven't.		
74:16	Q. Have you ever seen someone break a		
74:17	tab?		
74:18	A. No. Actually, I've been repairing		
74:19	guns 53 years and one of those has never come in the		
74:20	shop.		
74:21	Q. Have you ever seen a tab get jammed?		
74:22	A. No, I haven't.		
74:23	Q. Let's talk about alternative designs		
74:24	for the P320.		
74:25	Could the Sig Sauer P320 have been		
75:01	designed and manufactured with a tabbed trigger?		
75:02	A. Certainly.		
75:03	Q. From a design perspective, is there		
75:04	any reason not to use a tabbed trigger on a single		
75:05	action striker-fired pistol?		
75:06	A. No, no reason.		
75:07	Q. Other manufacturers use tabbed		
75:08	triggers?		
75:09	A. Yes, they do.		
75:10	Q. So we've talked about tabbed triggers		
75:11	a bit. Let's talk about a manual thumb safety in a		
75:12	little bit more depth.		
75:13	How does a manual thumb safety work?		
75:14	A. Manual thumb safety is a device or		
75:15	lever located on the outside of the gun that when		
75:16	it's activated in the on or the safe position,		
75:17	blocks either the striker, the hammer, the trigger		
75:18	bar, or both or all three.		
75:19	So you flip it up to be in the on		
75:20	position, you flip it down to be in the fire		
75:21	position.		

DESIGNATION	SOURCE	DURATION	ID
75:22	Q. So if it's activated, the trigger is		
75:23	locked?		
75:24	A. What's that?		
75:25	Q. If it's activated, the trigger is		
76:01	locked?		
76:02	A. I didn't hear that.		
76:03	Q. If the manual thumb safety is up, if		
76:04	it's on, is the trigger locked?		
76:05	A. Yes.		
76:06	Q. How long does it take to turn a manual		
76:07	thumb safety off?		
76:08	A. Milliseconds.		
76:09	Q. From a design perspective, is there		
76:10	any reason not to put a thumb safety on a single		
76:11	action striker-fired pistol with a trigger pull of		
76:12	55 one thousandths of an inch?		
76:13	A. No.		
76:14	Q. So you had initially opined that there		
76:15	was no other single action striker-fired pistol on		
76:16	the market with no external safety. Correct?		
76:17	A. Yes, that's correct.		
76:18	Q. As you sit here today, are you aware		
76:19	of any other single action striker-fired pistol with		
76:20	no external safety?		
76:21	A. Yes, I am now. I've become aware of a		
76:22	few.		
76:23	Q. Okay. When did you become aware of		
76:24	them? Was it at your deposition?		
76:25	A. Yes, it was.		
77:01	Q. So you were asked about a number of		
77:02	guns during that deposition. Is that correct?		
77:03	A. Yes.		
77:04	Q. Have you had the opportunity to learn		
77:05	something about some of these?		
77:06	A. Yes. I was able to briefly research		
77:07	them. These are new models that weren't available		
77:08	during the prime of my career, but yes.		
77:09	Q. Okay. In terms of major		
77:10	manufacturers, the name brands, do they make single		
77:11	action striker-fired pistols with no safeties?		
77:12	A. No.		

DESIGNATION	SOURCE	DURATION	ID
77:13	Q. I know that the manufacturer or model		
77:14	SCCY was mentioned. What do you know about -- SCCY.		
77:15	What do you know about SCCY?		
77:16	A. Yeah. SCCY's been around for a while.		
77:17	It's a manufacturer of a low priced -- call it a		
77:18	budget handgun. I know that SCCY is now out of		
77:19	business. They had an auction last month that		
77:20	cleared out the remnants of their machinery and		
77:21	equipment.		
77:22	Q. So is it your impression that SCCY		
77:23	would no longer be available at least in terms of		
77:24	purchasing a new gun?		
77:25	A. Correct.		
78:01	Q. And if SCCY is, in fact, a single		
78:02	action striker-fired pistol with a short trigger		
78:03	pull like the Sig Sauer P320, would you have an		
78:04	opinion about whether that's defective or dangerous?		
78:05	A. Absolutely. That'd be defective.		
78:06	Q. Okay. Let's talk about the FN Reflex.		
78:07	What do you know about that?		
78:08	A. Not a lot. I haven't had one in my		
78:09	hand. But the FN Reflex is a hammer-fired gun.		
78:10	It's got an internal hammer. However, it has a		
78:11	safety firing pin block like most pistols do, but it		
78:12	also has some linkage in the trigger that I don't		
78:13	fully understand. I haven't been able to play with		
78:14	one, that they claim is an external safety, but I,		
78:15	honestly, don't know how it works.		
78:16	Q. If that gun operated in an identical		
78:17	fashion to the Sig Sauer P320 and had no external		
78:18	safety, would you put that in the same category as		
78:19	the P320 in terms of being defective?		
78:20	A. Yes. I'd call it defective and		
78:21	unsafe.		
78:22	Q. What other firearms were brought up in		
78:23	your deposition that you recall that you had an		
78:24	opportunity to look at?		
78:25	A. There was an obscure maker called a		
79:01	Strike 1 as the model and I believe the manufacturer		
79:02	is Arsenal Arms. I researched that briefly and it's		
79:03	got kind of a sorted history. It's kind of a		

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DESIGNATION	SOURCE	DURATION	ID
79:04	collaboration between a Russian designer and an		
79:05	Italian designer. It may have been produced in		
79:06	Russian at some point. Currently, it comes from		
79:07	Italy and it's an imported gun.		
79:08	In researching that, the Strike 1 has		
79:09	a pivoting trigger and the trigger needs to be		
79:10	pivoted down from the tip in order to allow the		
79:11	trigger to move rearward and fire.		
79:12	Q. There was one other I recall. Was it		
79:13	Savage Stance?		
79:14	A. Yeah, yeah, you're right. I		
79:15	researched that, as well. Savage is a big name as		
79:16	far as marketing goes. A popular company.		
79:17	They made that Stance for a few years		
79:18	exactly like the P320, a single action with no		
79:19	safeties and flat trigger. My research showed that		
79:20	all of those models are now discontinued and they		
79:21	have been replaced. The same gun, but they've been		
79:22	replaced with a bladed or tabbed trigger.		
79:23	Q. So those guns that were like the P320		
79:24	now have tabbed triggers?		
79:25	A. Yes. All of the non-bladed trigger		
80:01	ones are discontinued.		
80:02	Q. Okay. Now I understand from your		
80:03	testimony and from this case that Officer Desrosiers		
80:04	placed his P320 in his waste band.		
80:05	A. Yes.		
80:06	Q. As a firearm manufacturer, does that		
80:07	shock you that somebody put a pistol in their		
80:08	waistband?		
80:09	A. No.		
80:10	Q. Why not?		
80:11	A. No. I've seen it and I've done it		
80:12	myself.		
80:13	Q. Okay. Do you consider that to be		
80:14	misuse?		
80:15	A. No, absolutely not.		
80:16	Q. Is it foreseeable for a manufacturer		
80:17	that a user will carry their pistol in that way?		
80:18	A. Yes, yes. There's times when you're		
80:19	at the range using your handgun, shooting and you're		

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DESIGNATION	SOURCE	DURATION	ID
	80:20 carrying your stuff back to the car, and this and		
	80:21 that. You do not want to leave your handgun		
	80:22 unattended and simply stick it in your waistband and		
	80:23 carry it to the car with you.		
	80:24 Q. Let's talk about your opinions in this		
	80:25 case.		
	81:01 Based on your training and 53 years of		
	81:02 experience and your review of materials and videos,		
	81:03 and your examination of Exemplar P320s, did you		
	81:04 reach an opinion about whether the Sig Sauer P320 is		
	81:05 unsafe or defective?		
	81:06 A. Yes, I reached an opinion of both.		
	81:07 Q. And what is your opinion?		
	81:08 A. It's defective and it's unsafe.		
	81:09 Q. Do you have an opinion about whether		
	81:10 the P320 is defective for lack of a tabbed trigger		
	81:11 safety?		
	81:12 A. Absolutely.		
	81:13 Q. And what is your opinion?		
	81:14 A. There's no external safeties on that		
	81:15 pistol whatsoever and the tabbed trigger would make		
	81:16 it significantly safer and probably with a high		
	81:17 level of probability would have prevented Officer		
	81:18 Desrosiers' uncommanded discharge.		
	81:19 Q. That was going to be my next question.		
	81:20 Assuming that Officer Desrosiers'		
	81:21 trigger was contacted on the side by a foreign		
	81:22 object or finger, do you have an opinion about		
	81:23 whether a tabbed trigger safety would have prevented		
	81:24 that?		
	81:25 A. Yes.		
	82:01 Q. That discharge, I mean.		
	82:02 A. Yes, I do. It's a high level of		
	82:03 probability that that would have not happened had		
	82:04 there been a tabbed trigger.		
	82:05 That's evidenced by my video earlier		
	82:06 where I grazed the side of a tabbed trigger		
	82:07 repeatedly and couldn't fire the pistol.		
	82:08 Q. Do you have an opinion about whether		
	82:09 the P320 is safe for users without any external		
	82:10 safety?		

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DESIGNATION	SOURCE	DURATION	ID
	82:11 A. Yes. I think it's dreadfully unsafe. 82:12 Q. Do you have an opinion about whether 82:13 it was possible for Sig Sauer to design the P320 82:14 with a tabbed trigger? 82:15 A. Yes, they certainly could have.		
82:17 - 84:01	<b>Tertin, James 2025-07-09</b>	00:01:51	<b>JamesTertin-editedfortrial.13</b>
	82:17 Is it possible to put a tabbed trigger 82:18 on any P320 that's manufactured today? Could you 82:19 retrofit it? 82:20 A. Yes, you could. 82:21 Q. So is it possible that Sig Sauer could 82:22 retrofit their P320s? 82:23 A. Yes, they could. 82:24 Q. If Officer Desrosiers' trigger was 82:25 contacted even on the front of the trigger face, do 83:01 you have an opinion about whether a manual thumb 83:02 safety would have prevented that discharge? 83:03 A. If a manual thumb safety was engaged, 83:04 it would have absolutely prevented that discharge. 83:05 Q. Do you have an opinion about the 83:06 proximate cause of Officer Desrosiers' discharge? 83:07 A. Well, we know that he was carrying 83:08 items to work, we know that he inserted his P320 83:09 into his waistband, and we know that as he was 83:10 traveling to work on foot, he adjusted and it fired. 83:11 So what was your question again after all that? 83:12 Q. Do you recall -- what was the cause of 83:13 his discharge or what would have prevented the 83:14 discharge? 83:15 A. Well, what caused his discharge is 83:16 some graze or actuation of the trigger. What would 83:17 have prevented it is several things. One, a bladed 83:18 trigger would have made that highly improbable that 83:19 some object, his finger, clothing, whatever, would 83:20 have grazed that trigger and hit the center of it 83:21 with enough force to fire it. Also what would have 83:22 prevented it is a manual safety that was engaged. 83:23 Q. Have all of your opinions that you've 83:24 shared with us been based on a reasonable degree of 83:25 professional certainty?		

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DESIGNATION	SOURCE	DURATION	ID
	84:01 A. Yes, they have.		
84:17 - 88:02	<b>Tertin, James 2025-07-09</b>	00:03:47	<b>JamesTertin-edit edfortrial.14</b>
	84:17 Q. Okay. Mr. Tertin, let's start with		
	84:18 some of the things that I believe we can agree on.		
	84:19 Can we agree that something pulled		
	84:20 plaintiff's trigger to discharge P320?		
	84:21 A. Yes.		
	84:22 Q. Can we agree that you don't know what		
	84:23 pulled plaintiff's trigger?		
	84:24 A. Yes.		
	84:25 Q. Can we agree that a gun is designed to		
	85:01 discharge when the trigger is pulled?		
	85:02 A. Yes.		
	85:03 Q. Can we agree that either plaintiff's		
	85:04 finger or a foreign object must have contacted the		
	85:05 plaintiff's trigger to pull it and discharge the		
	85:06 gun?		
	85:07 A. Yes, we can. However, if that P320		
	85:08 had a bladed trigger, that would have been highly		
	85:09 unlikely.		
	85:10 Q. That's not my question. My question		
	85:11 was can we agree --		
	85:12 A. Yes.		
	85:13 Q. -- plaintiff's finger or a foreign		
	85:14 object is what pulled the trigger?		
	85:15 A. Yes.		
	85:16 Q. And can we agree that you have not		
	85:17 identified any foreign object that contacted the		
	85:18 trigger to pull it?		
	85:19 A. Yes.		
	85:20 Q. We can agree that you don't know where		
	85:21 on the trigger plaintiff's finger or foreign object		
	85:22 contacted it to pull it rearwards and cause it to		
	85:23 discharge?		
	85:24 A. We don't know.		
	85:25 Q. You didn't make any determination as		
	86:01 to whether whatever pulled plaintiff's trigger		
	86:02 contacted the trigger on the front face of it.		
	86:03 Right?		
	86:04 A. Correct.		

DESIGNATION	SOURCE	DURATION	ID
86:05	Q. We agree that you don't have any		
86:06	evidence that Officer Desrosiers's trigger was		
86:07	pulled on the side of the trigger rather than on the		
86:08	front of the trigger. Right?		
86:09	A. That's correct.		
86:10	Q. And because of that, you can't tell		
86:11	the jury that the trigger was not pulled on the		
86:12	front of it. Right?		
86:13	A. Correct.		
86:14	Q. We can also agree that you don't know		
86:15	the force that was applied to plaintiff's trigger to		
86:16	cause it to discharge. Right?		
86:17	A. Correct.		
86:18	Q. Now you know it must have been at		
86:19	least six and a half pounds. Right?		
86:20	A. Yes.		
86:21	Q. So we can agree that something applied		
86:22	at least six and a half pounds of force onto Officer		
86:23	Desrosiers' trigger and pulled it rearwards to cause		
86:24	it to fire. Right?		
86:25	A. Correct.		
87:01	Q. But you don't know what. Right?		
87:02	A. Yes.		
87:03	Q. And you don't know where on the		
87:04	trigger. Right?		
87:05	A. Yes.		
87:06	Q. There is video of the incident that		
87:07	you viewed. Correct?		
87:08	A. Yes.		
87:09	Q. And you can't tell on that video where		
87:10	his hand was. Right?		
87:11	A. Right.		
87:12	Q. We can agree that you can discharge		
87:13	any firearm made with a foreign object. Right?		
87:14	A. Yes.		
87:15	Q. We can agree that you can discharge		
87:16	any firearm unintentionally if the user accidentally		
87:17	pulls the trigger. Right?		
87:18	A. Say that again.		
87:19	Q. Sure. We can agree that any firearm		
87:20	can be accidentally discharged if a user		

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DESIGNATION	SOURCE	DURATION	ID
	87:21 accidentally pulls the trigger?		
	87:22 A. Yes.		
	87:23 Q. We can agree that just because a		
	87:24 firearm discharges when the user does not want it to		
	87:25 does not mean it's defective. Right?		
	88:01 A. Well, in the first place, that should		
	88:02 never happen. And I disagree, that is defective.		
91:03 - 93:10	<b>Tertin, James 2025-07-09</b>	00:02:51	<b>JamesTertin-editedfortrial.15</b>
	91:03 Q. Mr. Tertin, do you recall previously		
	91:04 testifying about an incident that you looked into		
	91:05 regarding an unintentional discharge with a Taurus		
	91:06 pistol that had a tabbed trigger?		
	91:07 A. Yes.		
	91:08 Q. And do you recall telling me that the		
	91:09 individual in that case claimed he did not intend to		
	91:10 pull the trigger?		
	91:11 A. Yes.		
	91:12 Q. That Taurus pistol was single action		
	91:13 pistol with a tabbed trigger. Right?		
	91:14 A. Yes.		
	91:15 Q. The tabbed trigger did not prevent		
	91:16 that accidental discharge?		
	91:17 A. That's correct.		
	91:18 Q. And you did not opine that the pistol		
	91:19 was defective in that case, even though it had a		
	91:20 discharge when the user did not intend it to.		
	91:21 Correct?		
	91:22 A. That's correct. However, this was an		
	91:23 examination of that handgun. Nothing was decided or		
	91:24 proved nor did it go to trial.		
	91:25 Q. Well, when I asked you if you believed		
	92:01 that Taurus single action pistol with a tabbed		
	92:02 trigger was safe, even though it discharged when the		
	92:03 user did not want it to, you told me that you		
	92:04 thought it was safe. Do you recall that?		
	92:05 A. Yes.		
	92:06 Q. So let me ask you again. Just because		
	92:07 a gun discharges when the user does not want it to		
	92:08 does not automatically mean it's defective. Right?		
	92:09 A. Boy, I'll tell you. I still have to		

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DESIGNATION	SOURCE	DURATION	ID
	92:10 say no, it's defective. A gun shouldn't discharge 92:11 when you don't want it to. 92:12 Q. So the Taurus gun that you looked at 92:13 that had a tabbed trigger that discharged when the 92:14 user did not want it to, is that a defective gun? 92:15 A. You know, there was no -- there was no 92:16 empirical evidence on that whole case. I just 92:17 examined the pistol and nothing was concluded. It 92:18 was dropped. So I can't really answer that, 92:19 honestly. 92:20 Q. The user stated he did not want the 92:21 gun to discharge in that case. Right? 92:22 A. Yes. 92:23 Q. Okay. The gun discharged. Right? 92:24 A. Yes, and we don't know how. There was 92:25 no video? 93:01 Q. Okay. So are you telling this jury 93:02 then that just because a gun discharges when the 93:03 user does not want it to does not mean that it's 93:04 defective? 93:05 A. No, I still hold pad. It's defective 93:06 if it goes off when you don't want it to. 93:07 Q. So in the case of the Taurus pistol, 93:08 the gun went off when the user did want it to. Is 93:09 that gun defective? 93:10 A. I would have to say yes.		
93:22 - 95:11	<b>Tertin, James 2025-07-09</b>	00:02:08	<b>JamesTertin-edit edfortrial.16</b>
	93:22 Q. Mr. Tertin, I would like to pull up 93:23 for you what's been marked as Defense Exhibit 348. 93:24 ATTORNEY DENNISON: If we could just 93:25 pull up the first page of that. 94:01 THE WITNESS: Yep, I see it. 94:02 BY ATTORNEY DENNISON: 94:03 Q. Now that I've pulled up at least the 94:04 first page of that, do you recall seeing this report 94:05 before? 94:06 A. Yes. 94:07 Q. Okay. And in this report, the Office 94:08 of Inspector General of the County of Los Angeles 94:09 was investigating a rise in unintended discharges		

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DESIGNATION	SOURCE	DURATION	ID
	94:10 following the sheriff's department's conversion to a 94:11 new handgun. Right? 94:12 A. Yes. 94:13 Q. And do you recall that the Los Angeles 94:14 sheriff's department had transitioned from the 94:15 Beretta 92 to the Smith & Wesson M&P that is shown 94:16 on the cover here of Defense Exhibit 348? 94:17 A. Yes. 94:18 Q. And do you recall that there were 94:19 notations of discharges with a Beretta 92 in this 94:20 report? 94:21 A. Yes. 94:22 Q. And do you understand that in this 94:23 report, the Beretta 92 discharges that were reported 94:24 were unintended discharges where it discharged and 94:25 the user did not want it to? 95:01 A. Yes. 95:02 ATTORNEY DENNISON: We can take that 95:03 Exhibit down. Thank you. 95:04 BY ATTORNEY DENNISON: 95:05 Q. You previously testified that nothing 95:06 can prevent all accidental discharges. Do you 95:07 recall that? 95:08 A. Yes. 95:09 Q. Have you seen reports of accidental 95:10 discharges with Glock pistols? 95:11 A. Yes, I have.		
95:14 - 96:03	<b>Tertin, James 2025-07-09</b>	00:00:34	<b>JamesTertin-edit edfortrial.17</b>
	95:14 Q. Have you seen reports throughout your 95:15 career as a gunsmith of individuals reporting 95:16 accidental discharges while handling their pistols? 95:17 A. Not so much pistols, but we've seen 95:18 accidental discharges in almost every make and 95:19 model. 95:20 Q. And an accidental discharge by 95:21 definition is a gun discharging when the user did 95:22 not intend for it to do so. Correct? 95:23 A. Correct. 95:24 Q. You previously testified that the 95:25 facts of a specific accident don't matter to your		

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DESIGNATION	SOURCE	DURATION	ID
	96:01      opinions on defect and causation. Do you recall 96:02      that? 96:03    A. I do.		
96:06 - 97:25	<b>Tertin, James 2025-07-09</b>	00:01:42	<b>JamesTertin-edit edfortrial.18</b>
	96:06    Q. And is that a true statement, that the 96:07      facts of a specific occurrence don't matter to your 96:08      opinions on defect and causation? 96:09    A. No, it isn't. The facts matter 96:10      tremendously to me. I analyze the facts, I look at 96:11      the facts, I scientifically study the facts, 96:12      measurements, dimensions, palms, function. So I 96:13      look at the facts very, very carefully. 96:14    Q. Do you look at the facts of a specific 96:15      accidental discharge incident very carefully? 96:16    A. Yes. 96:17    Q. You did not inspect Officer 96:18      Desrosiers' pistol. Correct? 96:19    A. That's correct. I didn't have the 96:20      opportunity to see it. 96:21    Q. Well, you certainly could have seen it 96:22      if you wanted to. Right? 96:23    A. That, I don't know. It was at the 96:24      Cambridge Police Department. It wasn't available to 96:25      me at the time. 97:01    Q. Plaintiff's expert William Vigilante 97:02      inspected the pistol. Right? 97:03    A. Yes, he did. 97:04    Q. The defense experts Derek Watkins and 97:05      Eric Warren inspected the pistol. Are you aware of 97:06      that? 97:07    A. Yes. 97:08    Q. You're the only expert that has been 97:09      retained in this case to render opinions about the 97:10      P320 pistol that did not inspect the actual pistol. 97:11    Is that right? 97:12    A. That's correct. Yeah, I relied on Dr. 97:13      Vigilante's report and his opinion. 97:14    Q. You're the expert that is here to tell 97:15      the jury about whether Officer Desrosiers' gun was 97:16      defective. Correct?		

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DESIGNATION	SOURCE	DURATION	ID
	97:17 A. Yes. 97:18 Q. But you did not look at Officer 97:19 Desrosiers' gun. Right? 97:20 A. That's correct, yes. I didn't have 97:21 the opportunity. 97:22 Q. Okay. And you did not ask to have 97:23 that opportunity. Isn't that right? 97:24 A. No, I talked about that, but it wasn't 97:25 available.		
98:16 - 105:25	<b>Tertin, James 2025-07-09</b>	00:09:01	<b>JamesTertin-edit edfortrial.19</b>
	98:16 Q. Mr. Tertin, are you telling this jury 98:17 that three of the four liability experts in this 98:18 matter were provided an opportunity to inspect 98:19 Officer Desrosiers' pistol, but you were told that 98:20 you would not be provided that opportunity? 98:21 A. I don't recall that I was told that 98:22 specifically. The pistol was just never made 98:23 available to me. 98:24 Q. Could you have gone to look at the 98:25 pistol when William Vigilante looked at the pistol? 99:01 A. You know, that, I don't even, 99:02 honestly, know. 99:03 Q. Well -- 99:04 A. I don't know the date he even went. 99:05 Q. Okay. You certainly, as you sit here 99:06 today, are not aware of the date that he went and 99:07 you did not ask if you could inspect that pistol the 99:08 same time as William Vigilante when it was made 99:09 available to him to look at. Correct? 99:10 A. Yes, that's correct. 99:11 Q. Okay. Dr. Vigilante measured the 99:12 trigger pull on Officer Desrosiers' P320 pistol to 99:13 be around six and a half pounds. Correct? 99:14 A. Yes. 99:15 Q. When you talk about a graze or a brush 99:16 on the side of the trigger, you're talking in this 99:17 instance about a contact on the side of the trigger 99:18 still applying at least six and a half pounds of 99:19 force on that trigger. Is that right? 99:20 A. Yes, that's right.		

DESIGNATION	SOURCE	DURATION	ID
99:21	Q. You showed some videos to the jury of		
99:22	trigger pulls on an implement on an angle not		
99:23	directly flush against the pistol. Is that right?		
99:24	Do you recall that?		
99:25	A. Yes.		
100:01	Q. You didn't measure the force required		
100:02	to pull the trigger at those angles. Right?		
100:03	A. That's correct. That would have been		
100:04	really hard to do because of the angle.		
100:05	Q. Are you aware that Sig Sauer has		
100:06	measured the force to pull a trigger at an angle		
100:07	such as what you showed the jury?		
100:08	A. No.		
100:09	Q. You would agree with me that as you		
100:10	angle away from the trigger as you did in the videos		
100:11	you showed the jury that the force needed to pull		
100:12	the trigger rearward increases?		
100:13	A. Yes, I would agree with that.		
100:14	Q. So if you contact the trigger at an		
100:15	angle such as you showed the jury, the force would		
100:16	actually need to be more than six and a half pounds		
100:17	to pull that trigger rearward and discharge the gun.		
100:18	Correct?		
100:19	A. Well, that would be depending on what		
100:20	grazed the trigger. If it was a rubber-coated rod		
100:21	like I had, yes. A lot of friction. If it was a		
100:22	key with a tooth, no.		
100:23	Q. Have you measured that force, any		
100:24	difference between a key and something like the		
100:25	implement that you used?		
101:01	A. No.		
101:02	Q. If it was a finger that contacted the		
101:03	trigger at an angle, would that be more similar to		
101:04	the rubber implement you used?		
101:05	A. It would be very similar.		
101:06	Q. So if a finger contacted the side of		
101:07	the trigger like the implement that you used, that		
101:08	would cause -- that would require more than six and		
101:09	a half pounds of force to pull that trigger		
101:10	rearward. Correct?		
101:11	A. Yes. That's the assumption, yes.		

DESIGNATION	SOURCE	DURATION	ID
	101:12 Q. Okay.		
	101:13 A. I agree.		
	101:14 Q. And when you angled the -- when you		
	101:15 did that trigger -- angle trigger pull test on the		
	101:16 implement that you showed the jury, you		
	101:17 intentionally set that implement to avoid the blade		
	101:18 in the middle of the Glock trigger. Correct?		
	101:19 A. I hit the Glock trigger at bottom,		
	101:20 middle, and top. I hit it at all angles.		
	101:21 Q. And you hit it on the side and		
	101:22 intentionally placed that implement in a way that it		
	101:23 would not contact the blade in the center of the		
	101:24 trigger. Correct?		
	101:25 A. Yes. That was the whole object of the		
	102:01 exercise, to show --		
	102:02 Q. And when --		
	102:03 A. -- defective on a graze.		
	102:04 Q. Okay. And, again, just for the jury,		
	102:05 by graze, you mean a side pull of a minimum of six		
	102:06 and a half pounds of force on Officer Desrosiers'		
	102:07 pistol. Correct?		
	102:08 A. Yes.		
	102:09 Q. You did not actually measure the		
	102:10 trigger travel distance of Officer Desrosiers'		
	102:11 pistol because you didn't look at it. Right?		
	102:12 A. Correct.		
	102:13 Q. Dr. Vigilante did so and you looked at		
	102:14 his notes and relied on that. Right?		
	102:15 A. Yes.		
	102:16 Q. And you testified that Dr. Vigilante		
	102:17 measured from rest to takeup of the P320 pistol at		
	102:18 3.2 millimeters, which I believe you stated was .122		
	102:19 inches. Was that right?		
	102:20 A. I believe it was 3.1 millimeters.		
	102:21 Q. I'm going to show you what we've		
	102:22 marked -- what was marked for -- sorry, just to show		
	102:23 you, but not to show the jury. I'll show you what		
	102:24 we had marked as Exhibit 87.		
	102:25 A. Okay.		
	103:01 ATTORNEY DENNISON: Bob, are you going		
	103:02 to pull it up?		

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DESIGNATION	SOURCE	DURATION	ID
	103:03 THE WITNESS: I don't see it yet.		
	103:04 ATTORNEY DENNISON: Yeah, we'll get it		
	103:05 up in just one second here. I'll show you those		
	103:06 notes. Here, here it goes.		
	103:07 THE WITNESS: Okay.		
	103:08 ATTORNEY DENNISON: Oh, not this one.		
	103:09 Can you pull it back down? Sorry, I'll share what I		
	103:10 want to. Sorry. Sorry, Bobby.		
	103:11 BY ATTORNEY DENNISON:		
	103:12 Q. Let me share with you what I want to		
	103:13 show you, which is the notes. Again, this is for		
	103:14 the witness's purposes only.		
	103:15 A. I've seen these before, yep.		
	103:16 Q. Okay. And do you see at the bottom		
	103:17 there's trigger pull measurements from Dr.		
	103:18 Vigilante?		
	103:19 A. Yes. On the left side column is 32,		
	103:20 32, 30, 31, 30.		
	103:21 Q. Okay. And those five measurements		
	103:22 that he took that are on the left column are		
	103:23 measurements of the rest to -- basically, the takeup		
	103:24 that you talked about. Right?		
	103:25 A. Yes.		
	104:01 Q. Okay. So 3.2 millimeters is how many		
	104:02 inches?		
	104:03 A. 3.2 is -- I think I calculated that to		
	104:04 122 thousandths.		
	104:05 Q. Okay. And he measured the full		
	104:06 trigger pull from rest to break at 6.87, 6.8, 6.9,		
	104:07 and 6.7 millimeters. Correct?		
	104:08 A. Yes.		
	104:09 Q. So let's just take this first one		
	104:10 where he did 3.2 on the takeup and 6.8 for the full		
	104:11 trigger pull.		
	104:12 That would mean from -- after you		
	104:13 remove the takeup, so from set to break, 3.6		
	104:14 millimeters. Right?		
	104:15 A. Say that again, please.		
	104:16 Q. Sure. If the full trigger pull is 6.8		
	104:17 millimeters and the takeup is 3.2 millimeters,		
	104:18 simple math means that it's 3.6 millimeters for the		

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DESIGNATION	SOURCE	DURATION	ID
	104:19 P320, for Officer Desrosiers' P320 to go from set to 104:20 break. Right? 104:21 A. No, that's not correct. His 6.8 104:22 measurement is total trigger travel, which is three 104:23 things. Free travel or takeup, set to break, which 104:24 on all P320 I looked at is around 55 thousandths, 104:25 and then the trigger continues to move through dead 105:01 air until it fully stops. 105:02 Q. Okay. So let's go to what 105:03 Dr. Vigilante actually put in his report. I'm going 105:04 to stop my share. 105:05 ATTORNEY DENNISON: Bob, would you 105:06 mind putting up the exhibit you had up just a minute 105:07 ago? 105:08 BY ATTORNEY DENNISON: 105:09 Q. I'm going to show you just for 105:10 demonstrative purposes just to show the witness, not 105:11 to show the jury, what was marked -- I think it's 105:12 marked as -- maybe not Exhibit 71, but this is just 105:13 for demonstrative purposes. 105:14 A. Okay. 105:15 Q. Okay. Now this is an excerpt from 105:16 Dr. Vigilante's report. 105:17 Mr. Tertin, did you read Dr. 105:18 Vigilante's report? 105:19 A. I read his dimensions and scanned his 105:20 report, yes. 105:21 Q. Okay. Do you see here where he says 105:22 that he got a total travel distance from rest to 105:23 break (sear release) of approximately 6.8 105:24 millimeters? 105:25 A. Yes.		
106:06 - 109:16	<b>Tertin, James 2025-07-09</b>	00:03:51	<b>JamesTertin-edit edfortrial.20</b>
	106:06 ATTORNEY DENNISON: Can you do -- 106:07 Bobby, can you show the first page of the report, 106:08 please. 106:09 BY ATTORNEY DENNISON: 106:10 Q. Mr. Tertin, do you see the first page 106:11 of this report indicates that it is Dr. Vigilante's 106:12 report from this case?		

DESIGNATION	SOURCE	DURATION	ID
	106:13 A. Yes.		
	106:14 Q. Okay.		
	106:15 ATTORNEY DENNISON: Now, Bobby, can		
	106:16 you go to the full page of what we were just at.		
	106:17 BY ATTORNEY DENNISON:		
	106:18 Q. So this is the page I was showing you,		
	106:19 which is Page 17 of 50. You can see at the top,		
	106:20 it's the Desrosiers' matter.		
	106:21 ATTORNEY DENNISON: Now if we could		
	106:22 enlarge that part that you just had enlarged.		
	106:23 THE WITNESS: Yes.		
	106:24 BY ATTORNEY DENNISON:		
	106:25 Q. This is his inspection of the subject		
	107:01 Sig P320 in the Desrosiers' case. He said that he		
	107:02 found that there is a trigger takeup distance of		
	107:03 approximately 3.1 millimeters and a total travel		
	107:04 distance from rest to break of approximately 6.8		
	107:05 millimeters. Do you see that?		
	107:06 A. Yes.		
	107:07 Q. So if I actually subtract 6.8		
	107:08 millimeters from 3.1 millimeters, we have 3.7		
	107:09 millimeters. Correct?		
	107:10 A. Correct.		
	107:11 Q. And that 37 millimeters is the		
	107:12 distance that he calculated from set to after the		
	107:13 takeup, after you take that out, to when you get the		
	107:14 sear release and the gun discharges. Correct?		
	107:15 A. No, that's false. That's --		
	107:16 Q. What --		
	107:17 A. That's the distance like you just		
	107:18 described. From the set point to the break point		
	107:19 and the additional movement of the trigger until it		
	107:20 stops its rearward motion. There's rearward motion		
	107:21 after the break point.		
	107:22 Q. So are you saying that Dr. Vigilante		
	107:23 made a mistake in his report when he said his travel		
	107:24 distance was from rest to break? He did not say		
	107:25 that it is all the way to travel beyond the break.		
	108:01 He was very clear on this, that it's		
	108:02 from rest to break. Do you see that?		
	108:03 A. 3.1 from rest to break, yes.		

DESIGNATION	SOURCE	DURATION	ID
	108:04 Q. Rest --		
	108:05 A. 122 thousandths from rest to break.		
	108:06 Q. Dr. Vigilante said rest to break --		
	108:07 A. Yes.		
	108:08 Q. -- and said that sear release is 6.8		
	108:09 millimeters of travel. Right?		
	108:10 A. Yes, yes.		
	108:11 Q. You did not measure Officer		
	108:12 Desrosiers' trigger travel. Right?		
	108:13 A. That's correct. Yeah, didn't see the		
	108:14 gun.		
	108:15 Q. Dr. Vigilante did measure it. Right?		
	108:16 A. Yes.		
	108:17 Q. And he put in his report that he		
	108:18 measured 6.8 millimeters of total trigger travel		
	108:19 distance for Officer Desrosiers' P320 from rest to		
	108:20 break at 6.8 millimeters. Correct?		
	108:21 A. Yes.		
	108:22 Q. Which would mean that if you take out		
	108:23 the 3.1 millimeters of the takeup, you get the		
	108:24 difference of 3.7 millimeters from set to break?		
	108:25 A. I understand what you're saying, but I		
	109:01 disagree with it. I've never seen a Sig in all the		
	109:02 dozens I've examined that had a trigger pull that		
	109:03 long, from set to break. They're always around 55		
	109:04 thousandths.		
	109:05 Q. So are you telling this jury that you		
	109:06 believe Dr. Vigilante's report is incorrect even		
	109:07 though you did not inspect Officer Desrosiers'		
	109:08 pistol?		
	109:09 A. No, I think it may be play-on words.		
	109:10 He says 3.1 millimeters and I can't read all of it		
	109:11 because there's pictures in the way. But from rest		
	109:12 until resistance and then what does it say?		
	109:13 Q. Well--		
	109:14 A. I can't read it.		
	109:15 Q. You can move the pictures out of the		
	109:16 way.		

111:20 - 119:06

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111:20 Q. All right. Mr. Tertin, my only

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DESIGNATION	SOURCE	DURATION	ID
	111:21 question for you is does Dr. Vigilante state that		
	111:22 his measurements of Officer Desrosiers' P320 pistol		
	111:23 lists a total travel distance from rest to break		
	111:24 (sear release) of approximately 6.8 millimeters or		
	111:25 .27 inches?		
	112:01 A. No. In reading Dr. Vigilante's notes,		
	112:02 he has from rest and that's when the trigger is in		
	112:03 its full forward position and the gun is cocked.		
	112:04 So he measures from rest until		
	112:05 resistance, which would be what we call the wall, at		
	112:06 3.1 millimeters, which is 122 thousandths and that		
	112:07 compares favorably with all of the ones I've looked		
	112:08 at. Then he goes on to say from rest to break, 3.1		
	112:09 millimeters total travel from rest to break of		
	112:10 approximately 6.8.		
	112:11 He misses one measurement that I		
	112:12 always take. That doesn't mean he's wrong, but I		
	112:13 add a specific measurement that is from the wall to		
	112:14 the break point.		
	112:15 Q. Okay. My question for you is --		
	112:16 A. -- 55 thousandth.		
	112:17 Q. Am I reading Dr. Vigilante's report		
	112:18 correctly that it says total travel distance from		
	112:19 rest to break (sear release) of approximately 6.8		
	112:20 millimeters?		
	112:21 A. Yes, that's what he has written.		
	112:22 ATTORNEY DENNISON: Okay. We can take		
	112:23 that down.		
	112:24 BY ATTORNEY DENNISON:		
	112:25 Q. Now the distance for the P320 pistol		
	113:01 trigger to travel from rest to break is longer than		
	113:02 the .055 inches you measured on an Exemplar.		
	113:03 Correct?		
	113:04 A. I didn't measure -- measure a rest to		
	113:05 break. I measured rest to wall and wall to break.		
	113:06 So if we add those two together, we'd get the number		
	113:07 you're looking for.		
	113:08 Q. Right. That was on an Exemplar		
	113:09 pistol. Correct?		
	113:10 A. Yes.		
	113:11 Q. Was that measurement done on the		

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DESIGNATION	SOURCE	DURATION	ID
	113:12 Exemplar pistol that you showed the jury in one of 113:13 your videos?		
	113:14 A. Yes.		
	113:15 Q. Okay. Let's look at that. So let's 113:16 go to Exhibit -- it was Plaintiff's Exhibit 118.		
	113:17 I'm just going to show you -- not the 113:18 video, but just the start of the video. Just a 113:19 screenshot. I think it's a screenshot where you 113:20 started to take the trigger pull measurement.		
	113:21 That's Plaintiff's Exhibit 118.		
	113:22 A. Okay. There, I have it.		
	113:23 Q. All right. So this is the beginning 113:24 before the video starts to play.		
	113:25 So this Exemplar that you used to take 114:01 this measurement has a straight trigger. Correct?		
	114:02 A. Yes.		
	114:03 Q. Officer Desrosiers' trigger, was that 114:04 straight or curved?		
	114:05 A. It was curved.		
	114:06 Q. Now if we go to the next screenshot 114:07 from this video, Plaintiff's Exhibit 118, where 114:08 you're taking the trigger travel distance, this is 114:09 at the 1 minute and 5 second mark, your calipers 114:10 there are towards the top of that straight trigger 114:11 on that Exemplar P320. Correct?		
	114:12 A. That's correct. That was my 52 114:13 thousandths measurement, which you expect to be 114:14 shorter because it's closer to the pivot pin.		
	114:15 Q. Okay. Now let me follow up on that, 114:16 what you just said.		
	114:17 The higher up towards pivot pin that 114:18 you get, the shorter the trigger travel distance.		
	114:19 Correct?		
	114:20 A. That's correct.		
	114:21 Q. And the lower you get, the longer the 114:22 trigger travel distance. Correct?		
	114:23 A. That's correct.		
	114:24 Q. Okay. So let's go to the video of the 114:25 measurement that you did for the Glock pistol that 115:01 you tested and that one is going to be Plaintiff's 115:02 Exhibit -- I don't remember which number it was.		

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DESIGNATION	SOURCE	DURATION	ID
	115:03 ATTORNEY DENNISON: Do you remember 115:04 which number it was, Ryan?		
	115:05 ATTORNEY HURD: Give me a sec. 108.		
	115:06 ATTORNEY DENNISON: Let's go off the 115:07 record a quick second.		
	115:08 THE VIDEOGRAPHER: Off the record. 115:09 The time is 2:18.		
	115:10 ATTORNEY DENNISON: I had it when I 115:11 went off. I don't think it's labeled with the 115:12 measurement.		
	115:13 ATTORNEY HURD: It's Plaintiff's 115:14 Exhibit 108.		
	115:15 ATTORNEY DENNISON: I got it, it's 115:16 108. Thank you, Ryan. I found it the exact same 115:17 time you did. We can go back on the record.		
	115:18 THE VIDEOGRAPHER: Back on the record 115:19 at 2:18.		
	115:20 BY ATTORNEY DENNISON: 115:21 Q. So, Mr. Tertin, if we go to 115:22 Plaintiff's Exhibit 108, which was the video that 115:23 you showed the jury of the Glock pistol.		
	115:24 A. Yep. 115:25 Q. On the screen, you can see the 116:01 beginning of the video without us playing it.		
	116:02 Right? 116:03 A. Yes.		
	116:04 Q. Okay. So let's go to the screenshot 116:05 at about 15 seconds of the trigger pull measurement 116:06 and your calipers on this trigger when you measured 116:07 the Glock are towards the very bottom of that 116:08 trigger. Correct?		
	116:09 A. Yes. 116:10 ATTORNEY DENNISON: All right. We can 116:11 take that down.		
	116:12 BY ATTORNEY DENNISON: 116:13 Q. So when you tell the jury that the 116:14 trigger pull distance of a P320 pistol is .055 116:15 inches, you were taking out all of that distance 116:16 from what you identified as the takeup. Correct?		
	116:17 You're taking that out of the equation? 116:18 A. That's correct. Yeah, the free		

DESIGNATION	SOURCE	DURATION	ID
	116:19 travel, takeup.		
116:20 Q.	You're giving a measurement of pistols		
116:21	that you've taken that are not Officer Desrosiers'		
116:22	pistol. Correct?		
116:23 A.	Yes.		
116:24 Q.	Okay. Now you understand that the		
116:25	tabbed trigger was designed to be a prevention		
117:01	against drop fires. Correct?		
117:02 A.	Well, it was -- yes, it was designed		
117:03	to be a prevention against drop fires, but it's also		
117:04	a darn good safety mechanism used on many pistols.		
117:05 Q.	The tabbed trigger prevents inertia		
117:06	from drop forces from allowing the trigger to move		
117:07	rearward to discharge the firearm. Right?		
117:08 A.	Yeah, yeah. That totally depends on		
117:09	the weight of the trigger.		
117:10 Q.	There are other --		
117:11 A.	Not trigger pull. The actual weight		
117:12	of the trigger piece itself.		
117:13 Q.	There are other ways to achieve that		
117:14	goal besides introducing a tabbed trigger. Correct?		
117:15 A.	Make a lighter trigger.		
117:16 Q.	Okay. You can -- you put a transfer		
117:17	bar on the revolver you did. Right?		
117:18 A.	That doesn't even compare. We're		
117:19	talking about a drop safe on a semi-automatic		
117:20	pistol.		
117:21 Q.	Okay. You can also balance the		
117:22	trigger system, right, so that the inertia does not		
117:23	cause the trigger to move rearwards?		
117:24 A.	Yes.		
117:25 Q.	And speaking of balancing the trigger		
118:01	system. When you were telling the jury about single		
118:02	action versus double action, you were describing the		
118:03	motion of the trigger bar as moving rearward to		
118:04	contact the sear.		
118:05	In a P320, though, the trigger bar		
118:06	moves forward, the opposite direction of the		
118:07	trigger, as you pull the trigger. Right?		
118:08 A.	That's correct.		
118:09 Q.	And that helps to balance that trigger		

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DESIGNATION	SOURCE	DURATION	ID
	118:10 system to prevent an inertial drop. Correct?		
	118:11 A. You know what, to back up, that's a		
	118:12 term I've never really heard, balancing a trigger		
	118:13 system. I don't really know what that means.		
	118:14 That's not an industry term.		
	118:15 Q. Well, it's not a term that you're		
	118:16 familiar with. Correct?		
	118:17 A. I've never heard it in our industry.		
	118:18 Q. Okay. Now you're aware that the		
	118:19 tabbed trigger was initially developed back in the		
	118:20 late 1800s. Right?		
	118:21 A. Yes.		
	118:22 Q. I've previously shown some patents		
	118:23 from firearms manufacturers related to the tabbed		
	118:24 trigger. Do you recall that?		
	118:25 A. I do.		
	119:01 Q. Since I've shown them to you before,		
	119:02 have you ever gone back and tried to look at or		
	119:03 research patents for the tabbed trigger to see what		
	119:04 designers are saying the purpose of the tabbed		
	119:05 trigger was?		
	119:06 A. No, I have not.		
121:05 - 128:09	<b>Tertin, James 2025-07-09</b>	00:07:52	<b>JamesTertin-edit edfortrial.22</b>
	121:05 ATTORNEY DENNISON: Can we go to the		
	121:06 highlighted section of this J.H. Brown patent?		
	121:07 BY ATTORNEY DENNISON:		
	121:08 Q. So do you see here where this patent		
	121:09 indicates that the tabbed trigger and, quote, "owing		
	121:10 to this the hammer is prevented from being		
	121:11 accidentally released by a shock acting on the		
	121:12 trigger. It will, therefore, prevent the release of		
	121:13 the trigger being occasioned by setting down the		
	121:14 firearm suddenly." Do you see that?		
	121:15 A. Yes.		
	121:16 Q. And so back in 1883 when J.H. Brown		
	121:17 patented a tabbed trigger, he listed the reason for		
	121:18 the tabbed trigger as being a prevention of an		
	121:19 accidental discharge from setting down the firearm		
	121:20 suddenly or a shock acting on the trigger. Correct?		
	121:21 A. Yes. Yep, I see it.		

DESIGNATION	SOURCE	DURATION	ID
121:22	ATTORNEY DENNISON: Okay. We can take		
121:23	that down.		
121:24	BY ATTORNEY DENNISON:		
121:25	Q. Now over the years, manufacturers have		
122:01	designed various sizes of the blade on a tabbed		
122:02	trigger. Is that right?		
122:03	A. Yes.		
122:04	Q. And you showed the jury the blade on a		
122:05	Glock tabbed trigger and the blade is that little		
122:06	portion that sticks out of the center of the		
122:07	trigger. Right?		
122:08	A. Yes.		
122:09	Q. And then there's a tab on the back of		
122:10	that trigger that stops the trigger from moving		
122:11	rearward unless that blade is pressed down flush		
122:12	with the trigger. Correct?		
122:13	A. That's correct.		
122:14	Q. Okay. And so the size of that blade		
122:15	and how much of the width of the trigger it takes up		
122:16	depends on the manufacturer of that blade and		
122:17	trigger. Correct?		
122:18	A. Yes.		
122:19	Q. And the wider that blade, the less		
122:20	prevention it provides against an accidental trigger		
122:21	pull. Right?		
122:22	A. Yes.		
122:23	Q. Now manufacturers have designed other		
122:24	types of tabbed triggers besides a bladed trigger		
122:25	like the Glock. Would you agree?		
123:01	A. Say that again, please.		
123:02	Q. Sure. Manufacturers have designed		
123:03	other types of tabbed triggers besides the bladed		
123:04	trigger. So other ways to have a tab in the back		
123:05	without a blade in the front. Right?		
123:06	A. Yes.		
123:07	Q. For example, there are hinged triggers		
123:08	like the Smith & Wesson.		
123:09	ATTORNEY DENNISON: Could we show		
123:10	Defendant's Exhibit 302, please.		
123:11	BY ATTORNEY DENNISON:		
123:12	Q. Do you see Defense Exhibit 302 on your		

DESIGNATION	SOURCE	DURATION	ID
	123:13 screen, Mr. Tertin?		
	123:14 A. Yes.		
	123:15 Q. Is this a photograph of a Smith &		
	123:16 Wesson M&P 2.0?		
	123:17 A. Yes, it is.		
	123:18 Q. You recognize this gun. Right?		
	123:19 A. Yes.		
	123:20 Q. And that has, instead of a blade, it		
	123:21 has a hinge on the trigger. Right?		
	123:22 A. That's correct.		
	123:23 Q. And you can still see the tab sticking		
	123:24 out of the back of the trigger that would engage		
	123:25 against the back of the frame unless the trigger is		
	124:01 pulled on this hinge. Right?		
	124:02 A. That's correct.		
	124:03 Q. And you can pull this trigger anywhere		
	124:04 along the bottom, the whole bottom half of this		
	124:05 trigger, and discharge that gun. Correct?		
	124:06 A. That is correct. However, the gun		
	124:07 also has an ambidextrous manual safety.		
	124:08 Q. This one does, you are correct. Thank		
	124:09 you for pointing that out.		
	124:10 The Smith & Wesson has an option on		
	124:11 its guns where some of them have a manual safety and		
	124:12 some of them do not. Correct?		
	124:13 A. Yes.		
	124:14 Q. So the photograph we're showing has		
	124:15 the manual safety, but there are versions of this		
	124:16 exact same gun that are sold to the public that do		
	124:17 not have a manual safety on it. Correct?		
	124:18 A. Yes.		
	124:19 Q. All right. And on this Smith & Wesson		
	124:20 M&P without a manual safety, you can pull that		
	124:21 trigger on the front, on the sides, anywhere		
	124:22 underneath that hinge, other side, on the bottom,		
	124:23 anywhere there and pull that trigger back and		
	124:24 discharge the gun. Correct?		
	124:25 A. Yes.		
	125:01 Q. You previously testified that you		
	125:02 believe that that design on the Smith & Wesson M&P		
	125:03 with this hinged trigger on models that do not have		

DESIGNATION	SOURCE	DURATION	ID
	125:04 a manual thumb safety is defective. Do you recall		
	125:05 that?		
	125:06 A. I do.		
	125:07 Q. Is that still your opinion?		
	125:08 A. It is. This gun doesn't really offer		
	125:09 any protection against that inadvertent discharge.		
	125:10 ATTORNEY DENNISON: We can take that		
	125:11 one down. Thank you.		
	125:12 BY ATTORNEY DENNISON:		
	125:13 Q. Now there are also articulated		
	125:14 triggers that are a different design, as well. Let		
	125:15 me show you an example.		
	125:16 ATTORNEY DENNISON: Defense Exhibit		
	125:17 306, please.		
	125:18 BY ATTORNEY DENNISON:		
	125:19 Q. Do you recognize what's depicted in		
	125:20 Defense Exhibit 306, Mr. Tertin?		
	125:21 A. I do.		
	125:22 Q. This is a Walther P99. Correct?		
	125:23 A. Yes.		
	125:24 Q. And do you see this trigger?		
	125:25 A. Yes.		
	126:01 Q. Is this an example of an articulated		
	126:02 trigger?		
	126:03 A. I'm not sure what you mean by an		
	126:04 articulated trigger. This is a single action,		
	126:05 double action with a decocker.		
	126:06 Q. Right. I'm just using this for		
	126:07 demonstrative purposes, Mr. Tertin, for what the		
	126:08 actual trigger is.		
	126:09 This trigger, you can see that there's		
	126:10 a tab here in the back of it. Correct?		
	126:11 A. Yes, yes.		
	126:12 Q. Okay. And it pivots along the hinge		
	126:13 way up here at the frame of the gun. Right?		
	126:14 A. Yes.		
	126:15 Q. And you can pull the trigger on an		
	126:16 articulated trigger anywhere, front, side, top,		
	126:17 bottom, anywhere on there and get that trigger to		
	126:18 pull all the way rearwards. Correct?		
	126:19 A. Yes, but it's also double action on		

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	126:20 the first shot.		
126:21 Q. And single action on the remaining			
126:22 shots. Correct?			
126:23 A. Correct.			
126:24 ATTORNEY DENNISON: We can take that			
126:25 one down. Thank you.			
127:01 BY ATTORNEY DENNISON:			
127:02 Q. Now Smith & Wesson actually patented			
127:03 its hinged trigger in 1994. You're aware of that.			
127:04 Correct?			
127:05 A. Yes.			
127:06 Q. And you've seen that patent before?			
127:07 A. I haven't seen it, but I'm aware of			
127:08 it.			
127:09 Q. Okay. I've shown it to you before,			
127:10 but I will -- I'll show it to you again.			
127:11 ATTORNEY DENNISON: Defense Exhibit			
127:12 334, please.			
127:13 BY ATTORNEY DENNISON:			
127:14 Q. So this is the first page of the			
127:15 patent for that. Do you recognize the drawing on			
127:16 here as a Smith & Wesson M&P?			
127:17 A. Yes.			
127:18 Q. Okay. And that stamp on the bottom is			
127:19 the certified stamp for the patent from the United			
127:20 States Patent Office.			
127:21 ATTORNEY DENNISON: Now if you pull up			
127:22 the abstract so that Mr. Tertin can read that.			
127:23 BY ATTORNEY DENNISON:			
127:24 Q. We've highlighted here that it talks			
127:25 about that hinge trigger, that it serves to engage			
128:01 the frame of the gun to prevent firing movement of			
128:02 the trigger in the event the gun is dropped or			
128:03 otherwise impacted. Do you see that?			
128:04 A. Yes, I do.			
128:05 Q. So that hinged trigger, would you			
128:06 agree that a hinged trigger is designed to prevent			
128:07 against drop fires?			
128:08 A. A hinged trigger, I would have to			
128:09 agree with that.			

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129:09 - 129:21	<b>Tertin, James 2025-07-09</b>	00:00:40	<b>JamesTertin-edit edfortrial.23</b>
	129:09 Q. Okay. Do you see where this patent 129:10 says that this design of the hinged trigger is done 129:11 because many experienced shooters are not 129:12 comfortable with the nontraditional feel of this 129:13 construction as compared to that of a conventional 129:14 trigger having a smoothly curved face. Do you see 129:15 that? 129:16 A. Yes. 129:17 Q. And you understand they're talking 129:18 about designing a hinged trigger as opposed to a 129:19 bladed trigger to give shooters a more comfortable 129:20 feel of the trigger? 129:21 A. Yes.		
130:03 - 139:10	<b>Tertin, James 2025-07-09</b>	00:09:57	<b>JamesTertin-edit edfortrial.24</b>
	130:03 Q. Mr. Tertin, this patent additionally 130:04 states that the protruding blade may increase the 130:05 possibility of a gloved trigger finger becoming 130:06 caught thereon and thereby by affecting the 130:07 operation of the trigger during firing. Do you see 130:08 that? 130:09 A. Yes, I do. The operative word there 130:10 is may increase. 130:11 Q. Okay. Those are some downsides to the 130:12 use of a tabbed trigger that were listed by Smith & 130:13 Wesson as the reason for designing a bladed trigger. 130:14 Correct? 130:15 A. Yes. 130:16 Q. Okay. Now I'll show you one more 130:17 patent involving another type of trigger safety. 130:18 This is the Taurus patent. 130:19 ATTORNEY DENNISON: Can you pull up 130:20 Defense Exhibit 337, please. 130:21 BY ATTORNEY DENNISON: 130:22 Q. All right. On the first page here, 130:23 you'll see simply the certification from the U.S. 130:24 Patent Office for this patent. 130:25 ATTORNEY DENNISON: Can we go to the 131:01 next page, please. 131:02 BY ATTORNEY DENNISON:		

DESIGNATION	SOURCE	DURATION	ID
131:03	Q. Okay. There is a description here for		
131:04	this patent.		
131:05	If you go to the background of the		
131:06	invention here, do you see where it says, "said		
131:07	trigger lock of this kind of pistol which		
131:08	constitutes an additional component not traditional		
131:09	for pistols was, in fact, added to avoid the		
131:10	occurrence of accidental firing if the gun at issue		
131:11	falls hitting its end portion on a hard surface."		
131:12	A. Yes.		
131:13	ATTORNEY DENNISON: Okay. We can go		
131:14	ahead and take that down.		
131:15	BY ATTORNEY DENNISON:		
131:16	Q. So, Mr. Tertin, at least the patents		
131:17	that we've shown you related to tabbed triggers,		
131:18	whether it's a bladed tabbed trigger or a hinged		
131:19	tabbed trigger, talk about the reasons for those		
131:20	inventions being to prevent against drop fires.		
131:21	Correct?		
131:22	A. On those three, yes. However, Glock		
131:23	talks about the same thing, about a drop fire and		
131:24	the tabbed trigger helps, but they also talk about		
131:25	the safety features of having a tabbed trigger in		
132:01	their --		
132:02	Q. Is that in the Glock patent?		
132:03	A. Pardon?		
132:04	Q. Is that in Glock's patent?		
132:05	A. No, it's in their owner's manual.		
132:06	It's in their literature.		
132:07	Q. But you have not looked at the patent		
132:08	for the Glock trigger. Correct?		
132:09	A. No, no. I don't think any consumer		
132:10	would either. They read their owner's manual when		
132:11	they buy a handgun.		
132:12	Q. Okay. And what I'm asking of you as		
132:13	somebody who is rendering design opinions is whether		
132:14	you've looked at the patents for any manufacturer		
132:15	about the reason for the design of the tabbed		
132:16	trigger and I believe that the answer is other than		
132:17	what I've just shown you, you have not looked at		
132:18	anything. Correct?		

DESIGNATION	SOURCE	DURATION	ID
	132:19 A. That's correct.		
	132:20 Q. And a year ago, I told you about some		
	132:21 of these patents. But before you came in to talk to		
	132:22 the jury about your opinions here today, you did not		
	132:23 go back and try to research those patents or any		
	132:24 other patents to see what engineers say about the		
	132:25 reason for the design of a tabbed trigger. Correct?		
	133:01 A. Correct.		
	133:02 Q. Okay. Now let's talk again about --		
	133:03 or let's talk about the tabbed trigger a little bit		
	133:04 more.		
	133:05 You told the jury a little bit ago		
	133:06 there are no downsides to a tabbed trigger. Right?		
	133:07 A. Yes.		
	133:08 Q. You would agree that the videos you		
	133:09 showed the juries this morning of trigger pulls		
	133:10 where you intentionally avoid contacting the blade		
	133:11 on the Glock trigger demonstrate a finger placement		
	133:12 hazard?		
	133:13 A. No, it was geared to demonstrate a		
	133:14 brushing glance to the trigger won't allow that gun		
	133:15 to fire.		
	133:16 Q. And the brushing glance again on a		
	133:17 Glock would be about five and a half pounds.		
	133:18 Correct?		
	133:19 A. Yes. Well --		
	133:20 Q. So you were --		
	133:21 A. Just under a half inch of travel.		
	133:22 That gun is not cocked until 433 thousandths of		
	133:23 trigger movement is attained. So it would be one		
	133:24 heck of a glance to move a trigger 433 thousandths.		
	133:25 Q. And to be clear, that gun, the Glock		
	134:01 pistol, is partially cocked --		
	134:02 A. Yes.		
	134:03 Q. -- before the trigger is pulled.		
	134:04 Correct?		
	134:05 A. Yes.		
	134:06 Q. And so you would have to complete the		
	134:07 cocking motion --		
	134:08 A. Correct.		
	134:09 Q. -- with the pull of the trigger.		

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DESIGNATION	SOURCE	DURATION	ID
	134:10     Correct?		
	134:11   A. Yes.		
	134:12   Q. A true double action pistol, let's		
	134:13     talk about a double action hammer-fired pistol.		
	134:14     That trigger pull distance would be vastly larger		
	134:15     than that of the Glock trigger pull distance.		
	134:16     Correct?		
	134:17   A. Hammer-fired -- say that again.		
	134:18   Q. Double action hammer-fired pistol.		
	134:19     That trigger travel distance would be a lot longer		
	134:20     than the Glock trigger travel distance?		
	134:21   A. They would be similar.		
	134:22   Q. They would be similar?		
	134:23   A. Yep.		
	134:24   Q. You measured double action		
	134:25     hammer-fired pistols and it's your opinion that		
	135:01     those trigger travel distances are similar to that		
	135:02     of the Glock?		
	135:03   A. I know they're similar to the Glock.		
	135:04     Have I measured them? No. But I've worked on		
	135:05     numerous models where we articulate the trigger and		
	135:06     get a feel for it.		
	135:07   Q. Okay. All right. Regardless, those		
	135:08     areas, you said that there are only two areas on the		
	135:09     trigger that you can contact the Glock and disengage		
	135:10     the blade and pull the trigger. Correct?		
	135:11   A. Yes.		
	135:12   Q. So that means all the other areas on		
	135:13     that trigger, if you contact them, you would have a		
	135:14     dead trigger. Right? You wouldn't be able to pull		
	135:15     the trigger?		
	135:16   A. That's correct. If you don't depress		
	135:17     the blade, you can't pull the trigger.		
	135:18   Q. Okay. And those are all the areas		
	135:19     where somebody could accidentally put their finger		
	135:20     in a life or death situation and not be able to get		
	135:21     that gun to discharge when needed. Correct?		
	135:22   A. That is correct.		
	135:23   Q. You previously testified that you		
	135:24     believe users need to be trained on how to properly		
	135:25     disengage a tabbed trigger. Do you recall that?		

DESIGNATION	SOURCE	DURATION	ID
	136:01 A. Yes.		
	136:02 Q. And you previously agreed that it		
	136:03 would be dangerous for a police officer if they were		
	136:04 unable to discharge their weapon when they needed		
	136:05 to. Correct?		
	136:06 A. Yes.		
	136:07 Q. And that could be a downside to a		
	136:08 tabbed trigger. Wouldn't it?		
	136:09 A. It would be, but that's why they have		
	136:10 training.		
	136:11 Q. Okay.		
	136:12 ATTORNEY DENNISON: Could we please		
	136:13 pull up what I have pre-marked as Exhibit 300 for		
	136:14 the witness. Not this one, there's a different one.		
	136:15 Sorry. Take that one down. Let's go off the record		
	136:16 a second.		
	136:17 THE VIDEOGRAPHER: Off the record.		
	136:18 The time is 2:41.		
	136:19 ATTORNEY DENNISON: Bobby, what I want		
	136:20 you to pull up is the one that I had you create for		
	136:21 me. So there's a series of 300, 301, 302, 303, 304.		
	136:22 So the first one would be 300. The PowerPoint		
	136:23 slides I had you create.		
	136:24 Okay. We can go back on the record.		
	136:25 THE VIDEOGRAPHER: Back on the record		
	137:01 at 2:44.		
	137:02 BY ATTORNEY DENNISON:		
	137:03 Q. Okay. So, Mr. Tertin, if we're		
	137:04 talking about downsides to a tabbed trigger, you		
	137:05 would agree that a finger placement hazard that		
	137:06 contacting the trigger in an area other than the two		
	137:07 you identified where the blade is on a Glock that		
	137:08 that could be a hazard to an officer. Correct?		
	137:09 A. It could be, but that's where the		
	137:10 training comes in.		
	137:11 Q. Okay. So can we check that, yes,		
	137:12 there could be a downside to a tabbed trigger would		
	137:13 be a finger placement hazard?		
	137:14 A. Yes.		
	137:15 Q. Okay. We'll go ahead and do that.		
	137:16 We'll mark this as Exhibit 300.		

DESIGNATION	SOURCE	DURATION	ID
	137:17 ATTORNEY DENNISON: We can go ahead 137:18 and take that down.		
	137:19 BY ATTORNEY DENNISON:		
	137:20 Q. Now we can agree, Mr. Tertin, that if 137:21 something like a glove, a piece of clothing, or 137:22 debris got caught between the blade and the trigger, 137:23 that could prevent the proper functioning of the 137:24 tab. Correct?		
	137:25 A. Yes. However, I can't see how that's 138:01 possible. I've never heard of that happening.		
	138:02 Q. The Smith & Wesson patent we looked at 138:03 referenced the possibility of a gloved finger being 138:04 caught. Right?		
	138:05 A. It mentioned the possibility.		
	138:06 Q. People sometimes wear gloves when they 138:07 shoot. Right?		
	138:08 A. Yeah, I do too.		
	138:09 Q. Okay. In Boston, where it's cold, 138:10 police officers will often wear gloves in the 138:11 winter. Right?		
	138:12 A. Yes.		
	138:13 Q. We've already agreed that it would be 138:14 dangerous for a police officer if they failed to 138:15 discharge their weapon when they needed to. Right?		
	138:16 A. Yes.		
	138:17 ATTORNEY DENNISON: So if we could 138:18 pull up Exhibit 301.		
	138:19 BY ATTORNEY DENNISON:		
	138:20 Q. Can we agree that interference with a 138:21 tab from a glove, piece of clothing, or debris could 138:22 be a downside to the tabbed trigger?		
	138:23 A. In principle, but I still stand by I 138:24 can't see how that would happen.		
	138:25 Q. Okay. If it did happen, that would be 139:01 a downside. Correct?		
	139:02 A. What kind of interference?		
	139:03 Q. A glove getting in there, a piece of 139:04 clothing, or debris getting in there and sticking 139:05 that tab so it cannot be depressed?		
	139:06 A. If that's entirely possible, yes.		
	139:07 Q. Okay.		

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DESIGNATION	SOURCE	DURATION	ID
	139:08 A. I can't see how that would happen.		
	139:09 Q. Can we check yes on this?		
	139:10 A. Yes.		
139:16 - 143:13	<b>Tertin, James 2025-07-09</b>	00:04:26	<b>JamesTertin-edit edfortrial.25</b>
	139:16 Q. There are options here, Mr. Tertin,		
	139:17 for yes, no, don't know, won't answer.		
	139:18 If something interfered with the tab		
	139:19 so that it could not be depressed, that would be a		
	139:20 downside to the tabbed trigger. Correct?		
	139:21 A. That would be a downside. Again, I've		
	139:22 never heard of it, I've never seen it. I've shot		
	139:23 tabbed triggers. So I'm going to have to answer no.		
	139:24 I can't say how that would happen.		
	139:25 Q. Okay. Go ahead and check no on that		
	140:01 one then.		
	140:02 A. -- hypothetical question.		
	140:03 ATTORNEY DENNISON: All right. We can		
	140:04 take that one -- that one is marked as 301. We can		
	140:05 take that one down.		
	140:06 BY ATTORNEY DENNISON:		
	140:07 Q. Okay. Now you've spent your career		
	140:08 fixing firearms that aren't working properly.		
	140:09 Correct?		
	140:10 A. Yes.		
	140:11 Q. And the blade on the tabbed trigger is		
	140:12 attached with parts like springs and pins. Right?		
	140:13 A. That's correct.		
	140:14 Q. And if those springs or pins --		
	140:15 springs or pins break or wear down and aren't		
	140:16 functioning properly, that could prevent the blade		
	140:17 from working properly. Correct?		
	140:18 A. Yes, it could.		
	140:19 Q. And that would prevent the gun from		
	140:20 being able to fire when it's needed to?		
	140:21 A. No, absolutely not. There just		
	140:22 wouldn't be a tab.		
	140:23 Q. Okay. Let's go to -- let's go to a		
	140:24 new thing, here, Mr. Tertin.		
	140:25 You previously agreed that if		
	141:01 something contacts the front face of a trigger with		

DESIGNATION	SOURCE	DURATION	ID
	141:02 the blade and pulls the blade and trigger back, that		
	141:03 pistol will discharge. Correct?		
	141:04 A. Yep. Yes.		
	141:05 Q. That's exactly what that gun is		
	141:06 designed to do. Right?		
	141:07 A. Yes.		
	141:08 Q. The tabbed trigger was designed to be		
	141:09 easily disengaged when a user wants it to. Right?		
	141:10 A. Yes.		
	141:11 Q. You talked about training.		
	141:12 A. About what?		
	141:13 Q. About training with the bladed		
	141:14 trigger.		
	141:15 A. Yes.		
	141:16 Q. You think that training is needed for		
	141:17 officers or customers, users, to be able to properly		
	141:18 use a gun that had a bladed trigger. Right?		
	141:19 A. Yes.		
	141:20 Q. All right. Let's go back to the		
	141:21 evidence that you looked at.		
	141:22 We talked about the fact that you did		
	141:23 not look at the P320 pistol that Officer Desrosiers		
	141:24 was using.		
	141:25 You didn't inspect any of the clothing		
	142:01 that he was wearing that day either. Right?		
	142:02 A. No. I'm a firearms expert. I need to		
	142:03 stay there. I'm not a forensic examiner.		
	142:04 Q. But you're giving the jury opinions		
	142:05 today as to what would have prevented Officer		
	142:06 Desrosiers' accident. Right?		
	142:07 A. Yes. I've given one opinion.		
	142:08 Q. Are you giving any opinions as to what		
	142:09 caused Officer Desrosiers' accident besides that the		
	142:10 trigger was pulled?		
	142:11 A. No.		
	142:12 Q. Okay. Now you saw some police		
	142:13 photographs. Right?		
	142:14 A. From the Cambridge PD?		
	142:15 Q. Yes.		
	142:16 A. Yes.		
	142:17 ATTORNEY DENNISON: Okay. I'd like to		

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DESIGNATION	SOURCE	DURATION	ID
	142:18 go to what has been marked in this case as Exhibit 142:19 70, which is the police, the Cambridge Police 142:20 Department, photographs. 142:21 I'd like to go to one particular 142:22 photograph, which is the eighth photograph in the 142:23 packet that is marked as Exhibit 70. 142:24 BY ATTORNEY DENNISON: 142:25 Q. Have you seen this photograph, Mr. 143:01 Tertin? 143:02 A. Yes, I have. 143:03 Q. Do you understand what this familiar 143:04 depicts? 143:05 A. A bullet hole. 143:06 Q. It is a bullet hole right at the seam 143:07 of Officer Desrosiers' pants. Correct? 143:08 A. That's correct. 143:09 Q. Okay. And so for the bullet hole to 143:10 be there, the muzzle of the gun had to be above that 143:11 hole when it discharged. Right? 143:12 A. Well, slightly, yes. 143:13 Q. Yes.		
143:24 - 147:02	<b>Tertin, James 2025-07-09</b>	00:04:04	<b>JamesTertin-edit edfortrial.26</b>
	143:24 Q. Okay. And, Mr. Tertin, you previously 143:25 agreed -- well, let me step back a second. 144:01 If the gun -- if the barrel of the gun 144:02 was just above this bullet hole, then would you 144:03 agree that most of the gun would be outside of the 144:04 pants? 144:05 A. Or parallel, yes. 144:06 Q. Okay. And that would mean that the 144:07 trigger was not covered by the pants. Right? 144:08 A. Yes. 144:09 Q. It would also mean that Officer 144:10 Desrosiers must have had his hand on the gun when it 144:11 discharged because otherwise it would have just 144:12 fallen onto the ground. Right? 144:13 A. That, we don't know. We know that his 144:14 gun did not eject. So we know that there was 144:15 significant friction on that slide. 144:16 Q. Let's talk about that. Friction on		

DESIGNATION	SOURCE	DURATION	ID
	144:17 the slide could come from any number of things.		
	144:18 Correct?		
	144:19 A. Well, in this case, it looks like it		
	144:20 would have come from his skin and his pants.		
	144:21 Q. On what do you base what you just told		
	144:22 the jury, that in this case, the friction would have		
	144:23 come from his skin and his pants? On what do you		
	144:24 base that?		
	144:25 A. His gun was in his waistband on his		
	145:01 right side. So the left side of the pistol was		
	145:02 against his skin. The right side of the pistol was		
	145:03 against his pants.		
	145:04 Q. How do you know that the left side of		
	145:05 the pistol was against his skin?		
	145:06 A. He's right-handed.		
	145:07 Q. Okay. He could have been holding the		
	145:08 gun away from his skin. Couldn't he?		
	145:09 A. Could have.		
	145:10 Q. Okay. And how do you know that any		
	145:11 portion of that slide was restricted by his pants?		
	145:12 A. Well, we know part of it was because		
	145:13 it didn't eject.		
	145:14 Q. Have you ever heard of a firearm not		
	145:15 ejecting because of a loose grip, of not holding the		
	145:16 gun tightly?		
	145:17 A. Sure. Yeah, in our industry, we call		
	145:18 it limp wristing.		
	145:19 Q. Yes. And that can happen when		
	145:20 somebody isn't intending to pull a gun or holding		
	145:21 the gun in a shooter's stance. Correct?		
	145:22 A. Yes.		
	145:23 Q. That's another possibility for a shell		
	145:24 casing not ejecting. Correct?		
	145:25 A. Yes.		
	146:01 ATTORNEY DENNISON: Okay. We can go		
	146:02 ahead and take this exhibit down.		
	146:03 BY ATTORNEY DENNISON:		
	146:04 Q. Before you came here to tell the jury		
	146:05 about your opinions that a tabbed trigger would have		
	146:06 prevented this discharge, you did not consider the		
	146:07 physical evidence available in this case such as		

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DESIGNATION	SOURCE	DURATION	ID
	146:08 Officer Desrosiers' pistol, his shell casing, or his 146:09 clothing. Correct? 146:10 A. The only thing I didn't consider was 146:11 his clothing. I'm not a forensic reconstructionist. 146:12 Q. Okay. And you did not -- you relied 146:13 solely on Dr. Vigilante notes of his inspection of 146:14 Officer Desrosiers' pistol in rendering your 146:15 opinions about Officer Desrosiers' pistol. Correct? 146:16 A. Yes. 146:17 Q. Now you've told this jury that tabbed 146:18 triggers are effective at preventing accidental 146:19 discharges. Is that right? 146:20 A. Yes. 146:21 Q. You haven't looked at whether Glock 146:22 pistols have had accident discharges despite having 146:23 a tabbed trigger. Correct? 146:24 A. No, I've seen that. 146:25 Q. You've seen discharges with Glock 147:01 pistols with tabbed triggers? 147:02 A. I have not -- 		
147:04 - 147:05	<b>Tertin, James 2025-07-09</b>	00:00:02	<b>JamesTertin-edit edfortrial.27</b>
	147:04 THE WITNESS: -- personally. I've 147:05 seen data.		
147:07 - 147:11	<b>Tertin, James 2025-07-09</b>	00:00:14	<b>JamesTertin-edit edfortrial.28</b>
	147:07 Q. Okay. What data have you seen, Mr. 147:08 Tertin, about Glock pistols having accidental 147:09 discharges despite having a tabbed trigger? 147:10 A. Well, I don't recall the agency, but 147:11 it was data that you showed me.		
147:14 - 147:18	<b>Tertin, James 2025-07-09</b>	00:00:11	<b>JamesTertin-edit edfortrial.29</b>
	147:14 Q. All right. So you're talking about 147:15 data that I showed you from the Washington, D.C. 147:16 Metro police about accidental discharges with Glock 147:17 pistols? 147:18 A. Yes.		
147:22 - 149:11	<b>Tertin, James 2025-07-09</b>	00:02:14	<b>JamesTertin-edit edfortrial.30</b>
	147:22 Q. Mr. Tertin, have you seen the 147:23 videotape and deposition of an accidental discharge 147:24 experienced by somebody named Chris Jacob?		

DESIGNATION	SOURCE	DURATION	ID
	147:25 A. I don't recall that, no.		
	148:01 Q. Okay. Have you seen a video or		
	148:02 deposition transcript of an individual who had an		
	148:03 accidental discharge with a Glock pistol named David		
	148:04 Kensler?		
	148:05 A. I don't recall that either.		
	148:06 Q. Have you been provided any evidence of		
	148:07 accidental discharges with pistols equipped with a		
	148:08 tabbed trigger or some other safety on the outside		
	148:09 of the pistol?		
	148:10 A. Two things. One, again, that data		
	148:11 that you showed me previously and, two, I don't know		
	148:12 of any manufacturer that publishes that kind of		
	148:13 data.		
	148:14 Q. Okay. That is not something that you		
	148:15 have undertaken to look at or investigate yourself.		
	148:16 Correct?		
	148:17 A. No. I'm focused on the P320.		
	148:18 Q. You're focused on the P320 at the		
	148:19 exclusion of looking at any evidence of accidental		
	148:20 discharges with any other types of pistols.		
	148:21 Correct?		
	148:22 A. Yes. I'm a firearms expert and I've		
	148:23 been retained to work on this case.		
	148:24 Q. But you want to tell the jury that in		
	148:25 this case where we have a P320 pistol not in a		
	149:01 holster being handled by Officer Desrosiers that a		
	149:02 tabbed trigger would have prevented his accident?		
	149:03 A. I didn't say that. I said it would		
	149:04 have made it highly unlikely and that's demonstrated		
	149:05 by my previous video.		
	149:06 Q. Okay. When you reference your		
	149:07 previous video, you're referencing the videos where		
	149:08 you intentionally avoided contact with that bladed		
	149:09 trigger. Right?		
	149:10 A. Absolutely. That was the intent of		
	149:11 the video.		
149:20 - 153:22	<b>Tertin, James 2025-07-09</b>	00:05:08	<b>JamesTertin-edit edfortrial.31</b>
	149:20 Q. Sure. You've done no testing to show		
	149:21 where a finger or a foreign object would likely make		

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DESIGNATION	SOURCE	DURATION	ID
	149:22 contact with a trigger when it's unintentionally		
	149:23 contacted and pulled?		
	149:24 A. Well, both of my P320 and my Glock		
	149:25 videos graphically demonstrate that. The trigger's		
	150:01 only three-quarters of an inch long.		
	150:02 Q. But, again, what you're demonstrating		
	150:03 is an intentional avoidance of the blade. Correct?		
	150:04 A. Yes, on the Glock.		
	150:05 Q. Okay. And it does not show an		
	150:06 accidental contact with the trigger. Correct?		
	150:07 A. There's no difference.		
	150:08 Q. There's no difference between an		
	150:09 intentional avoidance of a tab and an unintentional		
	150:10 contact with the trigger?		
	150:11 A. If I intentionally avoid the tab or		
	150:12 purposely avoid the tab, there's no difference.		
	150:13 Q. You're telling the jury that there is		
	150:14 no difference between you intentionally putting your		
	150:15 finger on a trigger to avoid the blade and somebody		
	150:16 accidentally pulling the trigger?		
	150:17 A. No, no. I didn't say that.		
	150:18 Q. Okay. I did not think so, sir.		
	150:19 A. If I accidentally avoid the blade or		
	150:20 intentionally avoid the blade, there's no		
	150:21 difference.		
	150:22 Q. Okay. But what I'm asking you is you		
	150:23 haven't done any testing or looked at any studies to		
	150:24 show where somebody is likely to accidentally		
	150:25 contact the trigger. Correct?		
	151:01 A. That's correct. But, again, my videos		
	151:02 photographically demonstrate where somebody can		
	151:03 accidentally touch the trigger.		
	151:04 Q. You mentioned something earlier about		
	151:05 reviewing some videos of what you described as		
	151:06 uncommanded discharges.		
	151:07 I want to be super clear. When you		
	151:08 say uncommanded, do you mean an accidental discharge		
	151:09 where somebody did not intend to pull the trigger?		
	151:10 A. Yes.		
	151:11 Q. Okay. You were not suggesting that		
	151:12 you reviewed videos of a P320 discharging without a		

DESIGNATION	SOURCE	DURATION	ID
	151:13 trigger pull. Are you?		
	151:14 A. No.		
	151:15 Q. Okay. And you said that you reviewed		
	151:16 some videos, but am I correct that you did not		
	151:17 inspect any of the pistols involved in those videos		
	151:18 that you saw?		
	151:19 A. Yes, you are.		
	151:20 Q. Am I correct that you did not speak to		
	151:21 any of the individuals that were depicted in the		
	151:22 videos that you watched?		
	151:23 A. That's correct.		
	151:24 Q. Am I correct that you did not review		
	151:25 any information about how those accidents occurred		
	152:01 other than what you could see in the videos that you		
	152:02 watched?		
	152:03 A. That's correct.		
	152:04 Q. You reviewed some information and		
	152:05 depositions from the Cambridge Police Department.		
	152:06 Correct?		
	152:07 A. Yes.		
	152:08 Q. So are you aware that the Cambridge		
	152:09 Police Department would not have purchased a pistol		
	152:10 with a manual thumb safety?		
	152:11 A. Yes.		
	152:12 Q. In fact, that's a stipulated fact in		
	152:13 this matter. Are you aware of that?		
	152:14 A. Say that again, please.		
	152:15 Q. That's a stipulated fact in this		
	152:16 matter, that the Cambridge Police Department would		
	152:17 not have purchased the P320 with a manual safety.		
	152:18 Correct?		
	152:19 A. Yes.		
	152:20 Q. You did some demonstrative testing of		
	152:21 a P320 other than the ones that you showed the jury		
	152:22 here today. Correct?		
	152:23 A. Yes.		
	152:24 ATTORNEY DENNISON: Okay. I'd like to		
	152:25 show Exhibit 116. It's Plaintiff's Exhibit 116. I		
	153:01 don't want to show the video. I just want to show		
	153:02 the image of it, please.		
	153:03 BY ATTORNEY DENNISON:		

**JamesTertin-editedfortrial**

DESIGNATION	SOURCE	DURATION	ID
	<p>153:04 Q. So this image that we've shown on the screen, is this one of the tests that you did with a tan P320 pistol?</p> <p>153:07 A. Yes, it is.</p> <p>153:08 Q. And that has a manual thumb safety on it. Correct?</p> <p>153:10 A. Correct.</p> <p>153:11 Q. The P320 actually has options available for sale with a manual thumb safety.</p> <p>153:13 Correct?</p> <p>153:14 A. Yes.</p> <p>153:15 Q. Cambridge Police Department chose not to purchase the P320 that was available with a manual thumb safety. Correct?</p> <p>153:18 A. That is correct.</p> <p>153:19 ATTORNEY DENNISON: We can take that down.</p> <p>153:21 Sir, those are all the questions I have for you. Thank you.</p>		
154:25 - 155:03	<b>Tertin, James 2025-07-09</b>	00:00:07	<b>JamesTertin-editedfortrial.32</b>
	<p>154:25 Q. Mr. Tertin, I'm not going to keep you here terribly long. I just have some follow-up questions for you. Okay?</p> <p>155:03 A. Sure.</p>		
155:11 - 156:11	<b>Tertin, James 2025-07-09</b>	00:01:21	<b>JamesTertin-editedfortrial.33</b>
	<p>155:11 Q. Mr. Tertin, are you aware of Officer Desrosiers' claim about where his finger was or wasn't?</p> <p>155:14 A. Yes, yes. He --</p> <p>155:15 Q. What's your understanding?</p> <p>155:16 A. I'm sorry, what?</p> <p>155:17 Q. What's your understanding?</p> <p>155:18 A. That his finger was not on the trigger and he attributed that due to this police training.</p> <p>155:20 Q. And if his finger wasn't on the trigger face, is that something that a tabbed trigger would have prevented -- strike that question.</p> <p>155:24 In the event his finger was not across the trigger face, would a tabbed trigger have</p>		

**JamesTertin-editedfortrial**

DESIGNATION	SOURCE	DURATION	ID
	<p>156:01 prevented actuation of the trigger?</p> <p>156:02 A. Yes, it would have.</p> <p>156:03 Q. What is the purpose of a tabbed</p> <p>156:04 trigger?</p> <p>156:05 A. We've discussed that at great length.</p> <p>156:06 Early on, it was to prevent a drop fire. But more</p> <p>156:07 recently, it is an additional safety.</p> <p>156:08 Q. Okay. You were shown some patents</p> <p>156:09 that did not include prevention of side actuation as</p> <p>156:10 a purpose for the tabbed trigger. Right?</p> <p>156:11 A. Yes.</p>		
156:21 - 157:12	<b>Tertin, James 2025-07-09</b>	00:00:44	<b>JamesTertin-edit edfortrial.34</b>
	<p>156:21 Q. In your opinion, what is a tabbed</p> <p>156:22 trigger for?</p> <p>156:23 A. In my professional opinion, it's to --</p> <p>156:24 it's an additional safety and it's to prevent a</p> <p>156:25 trigger from unintentionally firing with a glancing</p> <p>157:01 touch to either side of the trigger.</p> <p>157:02 Q. Does the existence of that purpose</p> <p>157:03 being stated in a patent in any way affect or</p> <p>157:04 diminish your opinion?</p> <p>157:05 A. No.</p> <p>157:06 Q. You were asked questions about</p> <p>157:07 Dr. Vigilante's note of his measurement of 6.8 from</p> <p>157:08 rest to break. Do you recall that?</p> <p>157:09 A. Yes, I do.</p> <p>157:10 Q. Okay. Did you speak to Dr. Vigilante</p> <p>157:11 about his measurements?</p> <p>157:12 A. I spoke to him briefly.</p>		
158:24 - 162:03	<b>Tertin, James 2025-07-09</b>	00:03:59	<b>JamesTertin-edit edfortrial.35</b>
	<p>158:24 Q. Mr. Tertin, I'm going to show you for</p> <p>158:25 identification purposes Dr. Vigilante's report,</p> <p>159:01 which is marked as Plaintiff's Exhibit 73.</p> <p>159:02 What is indicated in this section that</p> <p>159:03 I've highlighted?</p> <p>159:04 A. He followed the subject P320 as a</p> <p>159:05 takeup distance from rest until resistance of</p> <p>159:06 approximately 3.1 millimeters and a total travel</p> <p>159:07 distance from rest to break (sear release) of</p> <p>159:08 approximately 6.8 millimeters.</p>		

DESIGNATION	SOURCE	DURATION	ID
	159:09 Q. What does total travel distance mean		
	159:10 to you?		
	159:11 A. Total travel distance to me means		
	159:12 total distance that the trigger travels. Simply		
	159:13 stated, it's from the rest point until you can't		
	159:14 move it rearward any more.		
	159:15 Q. Here, it indicates 6.8 millimeters.		
	159:16 Is that right?		
	159:17 A. Yes.		
	159:18 Q. Let's take a look back at Plaintiff's		
	159:19 Exhibit 53.		
	159:20 This is a Sig Sauer created document.		
	159:21 A. Yes.		
	159:22 Q. What is the total trigger travel		
	159:23 distance indicated on this document?		
	159:24 A. Total on this diagram is 6.9		
	159:25 millimeters.		
	160:01 Q. And how does that line up with		
	160:02 Dr. Vigilante's indicated 6.8?		
	160:03 A. It's very, very -- very, very close to		
	160:04 an assembly line -- assembly line-made pistol.		
	160:05 Q. In this image, can you tell us where		
	160:06 is rest to break?		
	160:07 A. Rest to break is 2.8 plus 4.2. So		
	160:08 that's --		
	160:09 Q. Is rest when it's at dead trigger?		
	160:10 A. Oh, from rest to break, excuse me.		
	160:11 2.8 to 42.		
	160:12 Q. Is 2.8 the wall?		
	160:13 A. Yes, and the break is at 4.2		
	160:14 millimeters.		
	160:15 Q. Okay. That -- strike that.		
	160:16 You were asked about where you placed		
	160:17 your caliper when measuring the P320 trigger in the		
	160:18 video and you measured it to be 53 one thousandths		
	160:19 of an inch. Do you recall that?		
	160:20 A. Yes.		
	160:21 Q. And then you were asked about where		
	160:22 you measured on the Glock tabbed trigger. Do you		
	160:23 remember that?		
	160:24 A. Yes.		

DESIGNATION	SOURCE	DURATION	ID
	<p>160:25 Q. On the Glock tabbed trigger, you</p> <p>161:01 measured at the tip of the tab. Right?</p> <p>161:02 A. Yes.</p> <p>161:03 Q. Why did you measure it from there?</p> <p>161:04 A. If I had it measured higher, I</p> <p>161:05 wouldn't have activated the tab and wouldn't have</p> <p>161:06 measured it.</p> <p>161:07 Q. Okay. You were asked about the Smith</p> <p>161:08 &amp; Wesson M&amp;P 2.0.</p> <p>161:09 Do you recall seeing that diagram or</p> <p>161:10 that picture of the Smith &amp; Wesson?</p> <p>161:11 A. Yes.</p> <p>161:12 Q. And that one that you were shown by</p> <p>161:13 Ms. Dennis had a hinged trigger. Correct?</p> <p>161:14 A. Correct.</p> <p>161:15 Q. If contact was made on the sides or</p> <p>161:16 even the front of that hinged trigger above the</p> <p>161:17 hinge, would it actuate the trigger?</p> <p>161:18 A. No.</p> <p>161:19 Q. Okay. Let me show you what has been</p> <p>161:20 marked as Plaintiff's Exhibit 53.</p> <p>161:21 Can you tell us what make and model is</p> <p>161:22 depicted here?</p> <p>161:23 A. Yeah. That's a small Smith &amp; Wesson</p> <p>161:24 M&amp;P Shield.</p> <p>161:25 Q. Okay. What's used on this -- what</p> <p>162:01 kind of trigger is used on this Smith &amp; Wesson?</p> <p>162:02 A. That's a tabbed trigger and it also</p> <p>162:03 has a manual external safety.</p>		
162:10 - 164:03	<b>Tertin, James 2025-07-09</b>	00:02:09	<b>JamesTertin-edit edfortrial.36</b>
	<p>162:10 Q. You're familiar with the Smith &amp;</p> <p>162:11 Wesson M&amp;P. Right?</p> <p>162:12 A. Yes.</p> <p>162:13 Q. Okay. And you've seen that photograph</p> <p>162:14 of the Smith &amp; Wesson M&amp;P with the hinged trigger</p> <p>162:15 before. Correct?</p> <p>162:16 A. Yes.</p> <p>162:17 Q. Do you have any idea if Smith &amp; Wesson</p> <p>162:18 has changed the trigger on that model?</p> <p>162:19 A. Yes. It's now a hinged -- excuse me.</p>		

DESIGNATION	SOURCE	DURATION	ID
	162:20 It was a hinged, now it's a tabbed trigger.		
	162:21 Q. Okay. You were shown an image of a		
	162:22 Walther P99 and you said that that's a single action		
	162:23 double action with a decocker. Do you recall that?		
	162:24 A. Yes, I do.		
	162:25 Q. What does that mean, to be a single		
	163:01 action double action with a decocker?		
	163:02 A. We'll start with the gun loaded, the		
	163:03 slide closed, and the decocker depressed. That's		
	163:04 how you would normally carry that gun.		
	163:05 If you wanted to shoot it and intended		
	163:06 to shoot it, you would have the first pull of the		
	163:07 trigger would be a long steady double action pull.		
	163:08 After that, it ejects the fired case, loads a new		
	163:09 one, and at that point it's in a single action mode.		
	163:10 If you wanted to stop firing at any		
	163:11 point, you simply push the decocker, the striker is		
	163:12 blocked, and the gun is dead again. It takes a		
	163:13 double action to start firing again.		
	163:14 Q. So in that double action mode, just		
	163:15 before that first pull, is that like a P320 that's		
	163:16 single action?		
	163:17 A. No, no. It's like a Glock. It's a		
	163:18 long steady pull to cock and release the striker.		
	163:19 Q. Okay. You testified earlier when I		
	163:20 asked you are there any downsides to a tabbed		
	163:21 trigger. Do you recall your answer?		
	163:22 A. I said no.		
	163:23 Q. Okay. You were then asked if finger		
	163:24 placement could be a hazard.		
	163:25 Have you ever heard of finger		
	164:01 placement on a tabbed trigger being a problem where		
	164:02 somebody missed pulling it because of a tab?		
	164:03 A. No.		
164:08 - 165:08	<b>Tertin, James 2025-07-09</b>	00:01:16	<b>JamesTertin-edit edfortrial.37</b>
	164:08 Q. Have you ever heard of finger		
	164:09 placement actually being a hazard in terms of		
	164:10 somebody not being able to fire because of a tab?		
	164:11 A. No, I haven't.		
	164:12 Q. Okay. So when you gave an answer to		

DESIGNATION	SOURCE	DURATION	ID
164:13	Ms. Dennison, was that based on any real world		
164:14	experience? It was a hypothetical.		
164:15	A. Hypothetical. Well, I've shot tabbed		
164:16	triggers of several different manufacturers. So		
164:17	that's my real world experience.		
164:18	Q. What's your real world experience, not		
164:19	having a problem?		
164:20	A. Not having a problem, no. No --		
164:21	Q. What -- I'm sorry. I didn't mean to		
164:22	cut you off.		
164:23	A. They're easy to shoot.		
164:24	Q. What do you think has a greater risk,		
164:25	a risk of unintended discharge because there is no		
165:01	tabbed trigger or a risk of not being able to fire		
165:02	because of finger misplacement?		
165:03	A. The accidental/incidental/uncommanded		
165:04	discharges a far greater risk.		
165:05	Q. Did anything that Ms. Dennison asked		
165:06	you cause you to change any of your opinions?		
165:07	A. No, it did not.		
165:08	Q. I have no further questions for you.		

Our Designations02:41:19**TOTAL RUN TIME****02:41:19**